United Nations S/2001/1229

Security Council

Distr.: General
21 December 2001
English
Original: Arabic

Identical letters dated 19 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 15 December 2001 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq. The Minister calls attention to the ongoing wanton aggression against Iraq by United States and British aircraft in the unlawful no-flight zones and to the fact that in the period from 16 to 30 November 2001 they carried out 187 hostile sorties, 48 of them from Saudi Arabia, 63 from Kuwait and 76 from Turkey. On 27 November 2001, United States and British aircraft fired missiles at a civilian site in Dhi Qar Governorate, wounding one citizen and destroying several civilian installations.

The Minister reaffirms the Government of Iraq's condemnation of these acts of aggression against Iraqi territory, and he states that full international responsibility for them must be borne by the United States of America, the United Kingdom and the countries that provide the logistic support for this aggression, namely Saudi Arabia, Kuwait and Turkey. He further states that Iraq reserves its right, as established by the Charter of the United Nations and international law, to defend itself against this ongoing hostile, terrorist activity. He urges you to perform the duties assigned to you under the Charter by ensuring that this persistent aggression is halted and does not recur and that its perpetrators and the regional parties that associate themselves with it are made to bear full legal responsibility for it.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Abdul Munim **Al-Kadhe**
Chargé d'affaires a.i.

01-71461 (E) 030102 040102

Annex to the identical letters dated 19 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

I should like to inform you that United States of America and the United Kingdom have continued their aerial aggression against the Republic of Iraq and that the Kingdom of Saudi Arabia, the State of Kuwait and the Republic of Turkey have also continued to provide logistic facilities for this aggression. United States and British warplanes based in Saudi Arabia, Kuwait and Turkey have thus continued to violate the airspace of the Republic of Iraq. They flew 187 armed sorties in the period from 16 to 30 November 2001, 48 of them from Saudi Arabia, 63 from Kuwait and 76 from Turkey, as shown in the statement enclosed herewith. On 27 November 2001, United States and British aircraft fired missiles at a civilian site in Dhi Qar Governorate, wounding one citizen and destroying several civilian installations.

The enforcement by the United States and the United Kingdom of the no-flight zones in northern and southern Iraq is an internationally unlawful act and a flagrant violation of the Charter of the United Nations and the established norms of international law. It constitutes an illegal use of armed force against the sovereignty, independence and territorial integrity of Iraq, and it is to be regarded as an ongoing act of aggression such as accords with the Definition of Aggression approved by the United Nations General Assembly in its resolution 3314 (XXIX) of 14 November 1974. Most of the world's countries have condemned the maintenance of the no-flight zones as representing an illegitimate use of force against an independent State. The United Nations, as represented by the Secretary-General, has also affirmed that the claim that the Security Council resolutions concerning Iraq authorize the imposition of the no-flight zones is groundless.

The attacks being launched by United States and British aircraft on Iraqi towns and villages and on structures that are basic to life in the country, including health-care and educational establishments and houses of worship, constitute blatant State terrorism that has now been practised for more than 10 years and has caused the deaths of thousands of Iraqi citizens, has left tens of thousands injured and has brought about the destruction of vital amenities and infrastructure. That the United Nations, the Security Council and you yourself should remain mere spectators in the presence of this aggression and this blatant State terrorism against Iraq raises serious questions about the credibility of the United Nations and about its capacity to apply the norms of the Charter to all without distinction and without the use of double standards.

The Government of Iraq considers that the governments of the United States and the United Kingdom and the countries that share in this terrorist aggression, namely Kuwait, Saudi Arabia and Turkey, should bear full responsibility for their illegal actions. It affirms Iraq's established entitlement under the Charter of the United Nations and international law to exercise its legitimate right to defend itself against this ongoing hostile, terrorist activity. It further requests you to perform the duties assigned to you as they relate to the maintenance of international peace and security, to call upon the governments of the countries in question to halt their continuing aggression against Iraq forthwith and to ensure that those committing the

aggression and the regional parties collaborating in that aggression, namely Kuwait, Saudi Arabia and Turkey, are made to bear full legal responsibility for it.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Violations of the airspace of the Republic of Iraq by United States and British warplanes, 16-30 November 2001

1. In the northern region 76 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres, as follows:

(a) At 1205 hours on 16 November 2001, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 12 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah, Dohuk, Zakho, Irbil and Aqrah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1500 hours, drove them off.

(b) At 1100 hours on 19 November 2001, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 10 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Aqrah, Irbil and Ayn Sifni areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1400 hours, drove them off.

(c) At 1055 hours on 20 November 2001, United States and British F-15 and F-16 aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Aqrah, Dohuk, Rawanduz and Dokan areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1330 hours, drove them off.

(d) At 1100 hours on 26 November 2001, United States and British F-15 and F-16 aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 10 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Baibo, Amadiyah, Aqrah, Rawanduz and Dokan areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1125 hours, drove them off.

(e) At 1134 hours on 27 November 2001, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 12 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Aqrah, Dohuk and Baibo areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1400 hours, drove them off.

(f) At 1200 hours on 28 November 2001, United States and British F-14, F-15 and F-16 aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 12 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Amadiyah, Aqrah, Dokan and Rawanduz areas. Our air

defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1305 hours, drove them off.

2. In the southern region 111 armed sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres, as follows:

(a) At 1055 hours on 16 November 2001, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 12 armed sorties, six of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and six from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Nasiriyah, Basrah, Salman, Amarah, Qurnah, Ashbajah, Lasaf and Qal'at Sukkar areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1425 hours, drove them off.

(b) At 1155 hours on 17 November 2001, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Saudi and Kuwaiti airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 14 armed sorties, six of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and eight from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Umm Qasr, Busayyah, Artawi, Salman, Ashbajah, Basrah, Samawah, Shinafiyah, Nasiriyah and Shatrah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1330 hours, drove them off.

(c) At 1500 hours on 20 November 2001, United States and British F-15 and F-16 aircraft coming from bases in Saudi Arabia and Kuwait and from Saudi and Kuwaiti airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 12 armed sorties, six of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and six from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Jalibah, Salman, Ashbajah, Busayyah and Safwan areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1545 hours, drove them off.

(d) At 1430 hours on 21 November 2001, United States and British F-15 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out six armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Safwan and Artawi areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1515 hours, drove them off.

(e) At 2115 hours on 22 November 2001, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 12 armed sorties, eight of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and four from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Artawi, Nasiriyah and Salman areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 2230 hours, drove them off.

(f) At 2030 hours on 23 November 2001, United States and British F-15 and F-16 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out six armed sorties, four of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and two from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Busayyah area. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 2200 hours, drove them off.

(g) At 2100 hours on 24 November 2001, United States and British F-14 and F-15 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 10 armed sorties, eight of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and two from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Salman and Busayyah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 2200 hours, drove them off.

(h) At 2130 hours on 25 November 2001, United States and British F-14 and F-15 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 20 armed sorties, six of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 14 from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Busayyah, Jalibah, Salman, Ashbajah and Basrah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 2310 hours, drove them off.

(i) At 2145 hours on 26 November 2001, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 14 armed sorties, four of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 10 from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control

aircraft operating inside Kuwaiti airspace. They overflew the Jalibah, Safwan, Salman and Ashbajah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 2335 hours, drove them off.

(j) At 1100 hours on 27 November 2001, United States and British F-15 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out five armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Safwan, Artawi, Jalibah, Nasiriyah and Dayr areas. The United States and British aircraft fired missiles at a civilian site in Dhi Qar Governorate, wounding one citizen and destroying several civilian installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1150 hours, drove them off.

United Nations S/2001/1230

Security Council

Distr.: General
21 December 2001
English
Original: Arabic

Letter dated 19 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 19 December 2001 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq. Appended to the Minister's letter is a table showing the 55 violations of Iraq's airspace and international boundaries that were committed by United States and British warplanes flying from bases in Kuwait across the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 24 November to 7 December 2001. The Minister points out that the United States and the United Kingdom are continuing to enforce the illegal no-flight zones in northern and southern Iraq, and that this constitutes aggression and is in flagrant violation of the Charter of the United Nations.

Accordingly, the Minister urges you to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you as soon as they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone, given that such violations constitute wanton aggression against the sovereignty, territory and people of Iraq, as well as against United Nations peacekeeping operations. He further asks you to alert the Security Council to its responsibility to halt this aggression and ensure that its perpetrators, namely the United States, the United Kingdom, Kuwait and Saudi Arabia, are held accountable for it under international law.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Abdul Munim **Al-Kadhe**
Chargé d'affaires a.i.

01-71470 (E) 030102 040102

Annex to the letter dated 19 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

Further to our letter dated 1 December 2001 (S/2001/1145, annex), I should like to inform you that in the period from 24 November to 7 December 2001 United States and British warplanes flying from bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) committed 55 violations of our international boundaries. As shown in the table appended to this letter, the relevant Iraqi agencies have determined that the violations committed were as follows:

1. Armed aerial activity by the United States and the United Kingdom, violating our international boundaries from the United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone, comprised 55 armed sorties in the following governorates: Dhi Qar, Muthanna, Basrah, Maysan and Qadisiyah.

2. Our technical systems identified the aircraft violating Iraq's airspace on a daily basis as American F-14s, F-15s and F-16s and British Tornadoes.

3. An AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace provided support to all of the United States and British aircraft that carried out armed and hostile sorties, violating Iraq's airspace by way of the demilitarized zone.

4. Between 24 November and 7 December 2001, a total of one remotely piloted aircraft violated Iraq's airspace from a United States or British base in Kuwait, from Kuwait's airspace and territorial waters or by way of the demilitarized zone.

All of the violations in question were committed by way of the demilitarized zone in which UNIKOM is stationed. One of UNIKOM's primary responsibilities is to monitor such hostile military operations and to report them and endeavour to halt them immediately.

The enforcement by the United States and the United Kingdom of the no-flight zones in northern and southern Iraq is an internationally unlawful act and a flagrant violation of the Charter of the United Nations and the established norms of international law. It constitutes a use of armed force against Iraq's sovereignty, independence and territorial integrity, and it is to be regarded as an ongoing act of aggression such as accords with the Definition of Aggression approved by the United Nations General Assembly in its resolution 3314 (XXIX) of 14 December 1974. Most of the world's countries have condemned the maintenance of the no-flight zones as representing an illegitimate use of force against an independent State. Your predecessor, Mr. Boutros Boutros-Ghali, has affirmed that the claim that the Security Council resolutions concerning Iraq authorize the imposition of the no-flight zones is groundless, and you asserted the same fact yourself at your press conference of 27 June 2001. The United States and the United Kingdom, with logistic support from Turkey and both logistic support and funding from Kuwait and Saudi Arabia, are nevertheless persisting undeterred in their contempt for the Charter of the United Nations and international law and are committing this

cowardly, terrorist aggression against Iraqi civilians and against Iraq's sovereignty, territorial integrity and political independence.

The violations being committed by the United States and the United Kingdom involving 10 to 20 military aircraft on a daily basis constitute an unlawful war. They represent an act of aggression such as requires the United Nations to take the measures required in its regard under the Charter in order to halt it forthwith and ensure that those who have committed it bear full international responsibility for it, including liability for the payment of compensation to Iraq.

The statements of UNIKOM to the effect that it is unable to monitor or identify these aircraft are untenable in the light of the scientific and technological capabilities that the United Nations Secretariat should make available to it for use in meeting the requirements of its mandate and establishing the identity and nationality of the warplanes that are violating Iraq's sovereign airspace, so that the necessary measures may be taken by the Security Council to halt these violations and acts of aggression. In another respect, even if UNIKOM did not have the systems needed to identify the type and nationality of these aircraft, the fact that they come from the direction of Kuwait confirms that they are those of the United States and the United Kingdom, because these two countries do not deny that they are engaging in aggression against Iraq on a daily basis from Kuwait. Your report on UNIKOM for the period from 28 March to 4 September 2001 (S/2001/913) indicates as much, and paragraph 6 states that "[it should be noted] that the mission's inability to identify the States responsible for conducting such flights is in no way to be understood as condoning them". You also state in the report that the United States and the United Kingdom have acknowledged that they are continuing to enforce a no-flight zone in southern Iraq.

I accordingly urge you once more to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you as soon as they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone and commit aggression against Iraq, given that this constitutes State terrorism and wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. I also ask you to alert the Security Council to its responsibility to halt this aggression and ensure that its perpetrators, namely the United States, the United Kingdom, Kuwait and Saudi Arabia, are held accountable for it under international law.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Hostile aerial activity violating Iraq's international boundaries from Kuwait and by way of the demilitarized zone, 24 November-7 December 2001

No.	*Date*	*From*	*Time*	*Type*	*Armed sorties*	*Altitude (metres)*	*Speed (km/h)*	*Areas overflown*
1	24-30 November	Kuwait	0710-2300	F-14, F-15, F-16	34	8,000-10,500	240-780	Basrah, Artawi, Nasiriyah, Shatrah, Busayyah, Salman, Samawah, Jalibah
2	1-7 December	Kuwait	0805-1803	F-14, F-15, F-16	21, including one drone	8,000-10,500	240-780	Artawi, Nasiriyah, Jabayish, Busayyah, Jalibah, Ansab, Salman, Ashbajah

Total sorties: 55

United Nations A/56/726–S/2001/1231

General Assembly
Security Council

Distr.: General
21 December 2001

Original: English

General Assembly
Fifty-sixth session
Agenda items 24, 27, 48, 49, 58, 97, 98, 114 and 166

Review of the problem of human immunodeficiency virus/acquired immunodeficiency syndrome in all its aspects

Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly

Causes of conflict and the promotion of durable peace and sustainable development in Africa

Question of equitable representation on and increase in the membership of the Security Council and related matters

United Nations reform: measures and proposals

Sustainable development and international economic cooperation

Environment and sustainable development

Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 13 December 2001 from the Permanent Representatives of Japan and South Africa to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of the Japan-South Africa joint communiqué entitled "Japan-South Africa partnership in the new century", which was issued after the meeting between Thabo Mbeki, President of South Africa, and Junichiro Koizumi, Prime Minister of Japan, in Tokyo on 2 October 2001 (see annex).

01-71058 (E) 241201

We should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 24, 27, 48, 49, 58, 97, 98, 114 and 166, and of the Security Council.

(*Signed*) Yukio **Satoh**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan to the United Nations

(*Signed*) Dumisani Shadrack **Kumalo**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of South Africa to the United Nations

Annex to the letter dated 13 December 2001 from the Permanent Representatives of Japan and South Africa to the United Nations addressed to the Secretary-General

Japan-South Africa joint communiqué entitled "Japan-South Africa partnership in the new century"

(Tokyo, 2 October 2001)

1. Thabo Mvuyelwa Mbeki, President of South Africa, and his wife, Zanele Mbeki, accompanied by several ministers including Nkosazana Dlamini Zuma, Minister of Foreign Affairs; B. Ngubane, Minister of Arts, Culture, Science and Technology; A. Erwin, Minister of Trade and Industry; V. Moosa, Minister of Environmental Affairs and Tourism; A. T. Didiza, Minister of Agriculture and Land Affairs; and M. E. Tshabalala-Msimang, Minister of Health, paid a State visit to Japan from 1 to 3 October 2001, at the invitation of the Government of Japan. During the course of the visit they had an audience with the Emperor and Empress at the Imperial Palace on 1 October.

2. On 1 October, President Mbeki met Junichiro Koizumi, Prime Minister of Japan, and a wide range of views on bilateral relations, African regional issues, and multilateral issues were exchanged. President Mbeki renewed an invitation to the Emperor and Empress to visit South Africa. President Mbeki also extended an invitation to Prime Minister Koizumi to visit South Africa. Prime Minister Koizumi reaffirmed Japan's policy statement on Africa, made by then Prime Minister Yoshiro Mori during his visit to South Africa in January 2001, which emphasized the importance of support for development, conflict resolution and refugee aid. He reiterated that "there will be no stability and prosperity in the world in the twenty-first century unless the problems of Africa are resolved" and that "the problem of Africa is one of the most important issues for our global foreign policy".

3. During the course of their discussions, both sides acknowledged each other as important partners in the pursuit of a common world order based on peace, democracy, justice and equality, and that the already comprehensive political and economic relationship existing between the two countries needed to be further deepened, strengthened and diversified.

4. President Mbeki and Prime Minister Koizumi strongly condemned the terrorist attacks of 11 September in the United States of America, which were a grave challenge to freedom, peace and democracy, and could never be forgotten. They expressed their condolences to the families and friends of all those who lost their lives. Both countries emphasized that the international community needed to stand firmly together against terrorism and also confirmed that they were ready to take every possible measure for this purpose.

5. Both countries confirmed their common views on many of the issues facing the international community in the twenty-first century and expressed their determination to strengthen the cooperative relationship between North and South towards the achievement of international peace and prosperity. Japan commended South Africa's leadership as the Chair of various international forums including the Movement of Non-Aligned Countries and the Commonwealth, and its contributions to such international conferences as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

6. The two countries decided to intensify cooperation towards the successful conclusion of the World Summit on Sustainable Development to be held in Johannesburg in 2002. The two countries will also strengthen their cooperation on various global environmental issues, including global warming and freshwater resources, while taking note of the seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held from October to November 2001, and the Third World Water Forum, to be held in Kyoto, Japan, in March 2003.

7. Both countries confirmed their intention to cooperate and play an active role in order to launch a new round of multilateral trade negotiations at the

Fourth Ministerial Conference of the World Trade Organization in Doha, Qatar, in November 2001, with a sufficiently broad agenda, including the strengthening and improvement of World Trade Organization rules and other issues, while responding to the legitimate concerns of the developing countries.

8. Both countries acknowledged the importance of the role of the United Nations in world peace, stability, and prosperity and confirmed their position of working together for the early realization of United Nations reforms, starting with the reform of the United Nations Security Council, including the expansion of both permanent and non-permanent membership. In this regard, President Mbeki reiterated South Africa's support for a permanent seat for Japan in a reformed Security Council. Likewise, Japan expressed its support for developing countries' representation, including African representation in a reformed Security Council.

9. Both countries acknowledged the dialogue between the leaders of the G-8 and the developing countries, initiated by Japan during the Kyushu-Okinawa Summit in July 2000 and continued at the Genoa Summit in July 2001, as a typical example of successful cooperation between North and South. Japan attached importance to cooperation with South Africa in the area of information technology and expressed its willingness to facilitate cooperation for information technology dissemination throughout Africa. Japan also emphasized its active implementation of a US$ 3 billion programme over five years under the "Okinawa Infectious Diseases Initiative", also for African countries which are most seriously affected by infectious diseases. At the same time, Japan repeated its intention to contribute US$ 200 million to the Global AIDS and Health Fund, which is highly appreciated by the international community. South Africa welcomed the policy visits by the Japanese information technology and infectious diseases task teams to various African countries in this regard earlier in the year.

10. Both countries reaffirmed their conviction that African development should recognize the principles of Africa's "ownership of solutions" and "partnership with the international community". They welcomed the fact that the "Millennium Africa Recovery Program/ New African Initiative" (MAP/NAI), adopted by the Organization of African Unity (OAU) Summit meeting in July 2001, emphasized the principles of democracy, good governance and sustainable development. Japan expressed its intention to actively support this initiative through the Tokyo International Conference on African Development (TICAD) process, in cooperation with other G-8 countries. Japan proposed that the MAP/NAI should be one of the central themes to be discussed at the TICAD Ministerial-level Meeting to be held in Tokyo in December 2001. South Africa expressed its appreciation of Japan's leading role in calling the attention of the international community to African issues through the TICAD and G-8 summit processes and both countries expressed their trust that the international community would heed the call to contribute towards the development of Africa.

11. Both countries welcomed the establishment of the Japan-South Africa Business Forum for their business organizations and its first meeting to be held on 3 October 2001, which serve as an example of the growing dialogue between the two countries. They also welcomed the high-quality investments of Japan in the Southern Africa region in recent years, with the accompanying transfer of technology and employment creation. Japan expressed its commitment to encouraging private investment in African countries, including Southern Africa. South Africa, on its side, acknowledged the importance of efforts to improve its own investment environment. They looked forward to increasing trade, investment and economic joint ventures between the two economies.

12. Furthermore, Japan also welcomed the substantial progress made with respect to the reform of the Southern African Development Community (SADC) and the transformation of OAU into the African Union. Japan committed itself to supporting the strengthening of these organizations.

13. The two countries welcomed the efforts initiated by African leaders to prevent and resolve conflict and acknowledged, inter alia, the progress made towards the launching of an inter-Congolese dialogue, considered as crucial for the resolution of conflict and national reconciliation in the Democratic Republic of the Congo, the progress of national reconciliation in Burundi, and the progress towards the resolution of the land question in Zimbabwe.

14. Japan expressed its appreciation of South Africa's endeavours towards nation-building within the spirit of national reconciliation, and expressed its intention to implement measures to support South Africa's efforts

in promoting economic and social reforms aimed at the alleviation of poverty and the eradication of social inequality.

15. President Mbeki and Prime Minister Koizumi reaffirmed the content of the Japan-South Africa joint communiqué on a "Partnership between Japan and South Africa towards the Twenty-first Century", issued on 9 April 1998. They also welcomed the fact that, based on this communiqué, the relationship between the two countries has been steadily re-enforced and reiterated their determination to make continuous efforts to establish a balanced cooperative relationship in various fields. Both countries confirmed that the "Japan-South Africa Partnership Forum", which has convened four times so far, has re-enforced their relationship in a variety of areas and confirmed the utility of this forum in promoting the implementation of concrete proposals in a wide range of fields in the future. Within this framework, the two countries decided to consult regularly at the senior officials level on global issues such as United Nations reform, the environment, disarmament and non-proliferation, food safety and human security, as well as on problems facing Africa such as conflict and refugees.

16. Welcoming progress on bilateral cooperation in the area of science and technology, both Governments decided to start negotiations with a view to concluding an agreement on science and technology cooperation. They also shared the view that the conclusion of the first-ever agreement on science and technology cooperation, based on the principle of equality between, and mutual benefit to, Japan and an African country, would be of great significance.

17. In the area of agricultural and rural development, South Africa acknowledged the continued assistance and opportunities for capacity-training facilitated through the Japan International Cooperation Agency (JICA), and both countries reiterated the importance of ongoing cooperation in these sectors.

18. Both countries emphasized the importance of tourism and of cultural and sporting exchanges in support of the bilateral relationship and recognized the necessity of cultivating mutual understanding and friendship at all levels. Both countries took note of the increase in tourism from Japan to South Africa, and they confirmed their intention, in particular, to promote the exchange of youth within the framework of the Japan Exchange and Teaching (JET) programme and the dispatch of Japan Overseas Cooperation Volunteers (JOCV) to South Africa.

United Nations S/2001/1232

Security Council

Distr.: General
24 December 2001
English
Original: French

Letter dated 19 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the United Kingdom of Great Britain and Northern Ireland, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

01-71509 (E) 281201 030102

Annex

[Original: English]

Letter dated 19 December 2001 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Annexed to this note is the report of the United Kingdom submitted pursuant to paragraph 6 of resolution 1373 (2001) on the steps taken to implement that resolution (see enclosure).

The United Kingdom stands ready to submit any further information requested by the Counter-Terrorism Committee on the United Kingdom's implementation of resolution 1373 (2001).

(*Signed*) Jeremy **Greenstock**

Enclosure

The United Kingdom of Great Britain and Northern Ireland

Report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

1. The unanimous adoption of **Security Council Resolution 1373 (2001)** (SCR 1373) (www.UN.org/Docs/scres/2001/res1373e.pdf) on 28 September 2001 was an historic event. This was the first resolution to impose obligations on all states to respond to the global threat of terrorism.

2. The United Kingdom has taken a full range of legislative and executive measures to ensure compliance with SCR 1373. We are also fully committed to the work of the Counter-Terrorism Committee (CTC) in ensuring global implementation of this resolution.

Legislative action

3. Before September 11 the United Kingdom had a wide range of legislative measures in place to counteract terrorist activity. The centrepiece of this legislative framework was the **United Kingdom Terrorism Act 2000**. Other relevant legislation included the Immigration Act 1971, the Customs and Excise Management Act 1979, the Extradition Act 1989 and the Export of Goods (Control) Order 1994. Following the events of September 11 it was decided to enhance the UK's existing Anti-Terrorism legislation. This resulted in the **Anti-Terrorism, Crime and Security Act 2001**which received royal assent on 14 December 2001. Legislation has also been adopted under the United Nations Act 1946.

4. In implementing SCR 1373 the United Kingdom has been careful to ensure that its obligations under the 1951 Refugee Convention, The European Convention on Human Rights and other relevant international human rights instruments are fully respected.

5. Detailed responses as to how the above legislative framework relates to specific concerns raised by SCR 1373 are set out below.

Executive action

6. The United Kingdom has established an Interdepartmental Group to oversee the implementation of SCR 1373. The group consists of representatives of:

- The Foreign and Commonwealth Office
- The Treasury
- The Home Office
- The Department of Trade and Industry
- Customs and Excise
- Department for Transport and the Regions
- The Bank of England

7. The Group has met on a number of occasions to discuss support for the work of the CTC; the preparation of the United Kingdom's response to the CTC and possible ways of providing assistance to other States.

In Europe

8. The United Kingdom has always participated actively in counter-terrorism action within the EU and will continue to do so. The special European Council on 20 and 21 September 2001 agreed that counter-terrorism should be a priority for the Union, both internally and in its relations with third countries. Heads of State and Government endorsed an EU Action Plan on 21 September to help member States step up the fight against global terrorism and to improve practical co-operation among member States. To date, 68 concrete measures under the Action Plan have been identified and taken forward. These measures include:

(a) creation of fast-track extradition and an EU arrest warrant, which should significantly reduce obstacles to extradition within EU;

(b) agreement on common EU offences and penalties for terrorist activity;

(c) setting up a team of EU Member States' anti-terrorist experts who can ensure timely collection and analysis of information and intelligence and draft threat assessments;

(d) conclusion of the US/Europol agreement on 6 December;

(e) the rapid implementation of the UN Convention for the Suppression of the Financing of Terrorism by all EU Member States;

(f) a requirement that the potential impact on the fight against crime and terrorism is fully considered in the drafting EC legislation;

(g) measures on freezing of assets and evidence;

(h) a review of the EU's relations with third countries in the light of their support for counter-terrorism.

9. On 10 December, the Council of the EU agreed a Common Position and Regulation to implement the UNSCR 1373 provision relating to the suppression of terrorist financing.

Action in the Overseas Territories and Crown Dependencies

10. The UK is responsible for the international relations of its Overseas Territories and Crown Dependencies.

11. Three Overseas Territories (Bermuda, Gibraltar and the Cayman Islands) have indicated that they will apply the relevant provisions of the Terrorism Act 2000 and the Anti-Terrorism, Crime and Security Act by local legislation. The remaining Overseas Territories have opted for the United Kingdom to do so on their behalf, through an Order in Council.

12. A first draft of the Overseas Territories model legislation will be ready in early January 2002, for consultation with the Overseas Territories shortly thereafter. The Government hopes that the Overseas Territories will, by Spring 2002 be in a position to (a) bring the necessary legislation to their local legislature for approval (in the cases of Cayman, Bermuda, Gibraltar), or (b) agree that the United Kingdom should make an Order In Council on their behalf (for the remainder).

13. The Crown Dependencies (the Channel Islands and the Isle of Man) are introducing their own domestic legislation to apply measures equivalent to those in the United Kingdom's Terrorism Act 2000 and the Anti-Terrorism Crime and Security Act 2001.

14. Action in relation to the to the Overseas Territories and Crown Dependencies has also been taken under the United Nations Act 1946 (through SI Numbers 3363, 3364 and 3366).

Technical Assistance to Other States

15. The United Kingdom has a wide-ranging programme of bilateral assistance in counter terrorism, aimed at preventing terrorism, apprehending terrorists and contributing to stability and preventing conflicts. In the past five years, activities covered by this programme have included visits, seminars and training projects in the following fields:

- hostage negotiations;
- explosive and ordinance disposal;
- aviation and maritime transport security;
- bomb scene management;
- crisis management.

The Foreign and Commonwealth Office employs a part-time Hostage and Crisis Management Consultant to support this programme.

16. The United Kingdom also supports the establishment of a Global Trust Fund to provide technical assistance to countries that need help in implementing SCR 1373. This could cover advice on drafting relevant legislation; assessment of precise needs for training; advice on protective security measures; and training and advice for financial control authorities. The CTC has already done much valuable work in collating information on what expertise, including from the UK, is already available in these areas. The United Kingdom would be willing to make a significant contribution to such a fund should it be established.

Coordination of the International Response

17. The CTC will also need to work closely with other international actors who are involved in the fight against terrorism, including the Vienna-based UN organisations, the International Financial institutions, regional organisations such as the EU and the OIC, the OECD and the G8 (including the FATF). The UK has actively promoted the work of the CTC in all these organisations and encouraged them to coordinate closely to prevent the waste of scarce human and financial resources.

Comments in relation to the specific questions posed by the Counter-Terrorism Committee:

Operative Paragraph 1

Sub-paragraph (a) - What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)

- The United Kingdom moved quickly to freeze the assets of those involved in the financing of terrorism following adoption of SCR 1373(2001). Lists were issued on 12 October, 2 November and 7 November 2001 identifying 48 individuals and 77 organisations whose accounts would be frozen pursuant to SCR

1373. These lists included individuals listed by the US under President Bush's Executive Order, the US list of 22 most wanted terrorists; the list of United Kingdom proscribed terrorist organisations; and the individuals and organisations listed by the United States on 7 November 2001. Those lists have been communicated to some 600 banks and other financial institutions in the United Kingdom, and have been published in a Bank of England Press Release (www.bankofengland.co.uk).

Sub-paragraph (b) - What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

- The Terrorism Act 2000 describes four main offences in relation to terrorist funding.

  Fund raising: it is an offence to invite anyone to provide money or property; receive money or property; or provide money or property for the purposes of terrorism.

  Use and possession of money or property for the purposes of terrorism.

  Funding arrangements: involvement in arrangements whereby money or property is made available for terrorism.

  Money laundering: facilitating the retention or control of terrorist property in any way, including concealment; removal from the jurisdiction; and transfer to nominees.

- All of these apply in situations where a person intends, or has reasonable cause to suspect, that money or property will be used for the purposes of terrorism. The maximum penalty for each of these offences is 14 years imprisonment and/or a fine.

- There is also an obligation to disclose knowledge or suspicion of terrorist funding, based on information arising from one's trade, profession, business or employment. Failure to disclose such information is an offence subject to penalties of up to five years imprisonment and a fine. The Anti Terrorism, Crime and Security Act modified the Terrorism Act 2000 so that failure to disclose is an offence, in the regulated financial sector, wherever there are "reasonable grounds" to suspect terrorist funding.

Sub-paragraph (c) - What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

- Paragraph 1(c) of SCR 1373 is implemented in the United Kingdom by an Order in Council (SI 2001 No. 3365), made under section 1 of the United Nations Act 1946. This Order, which became effective on 10 October 2001, empowers the Treasury to direct banks and financial institutions to freeze the accounts of individuals and entities suspected of involvement in terrorism. Failure to do so is an offence. Since the adoption of SCR 1373, seven accounts have been frozen containing £7.2 million. Prior to the making of SI 2001 No. 3365, accounts in the United Kingdom of those associated with the Taliban and Usama bin Laden were frozen in accordance with the orders made pursuant to UNSCR 1267 and 1333, which are still in force. Parallel legislation has been adopted for the Crown Dependencies and Overseas Territories

Sub-paragraph (d) - What measures exist to prohibit the activities listed in this sub-paragraph?

- In addition to the legislation referred to above in relation to sub-paragraph 1(b) SI 2001 No. 3365 makes it an offence to provide funds to persons involved in terrorism. The term "funds" has a broad definition and includes the making available of financial assets and economic benefits of any kind.

Operative Paragraph 2

Sub-paragraph (a) - What legislation or other measures are in place to give effect to this sub-paragraph? What other measures help prevent such activities? In particular what offences in your country prohibit

(i) recruitment to terrorist groups

- The Terrorism Act 2000 includes powers to proscribe terrorist organisations concerned in international and domestic terrorism, in addition to those organisations concerned in terrorism connected with the affairs of Northern Ireland. Under the Act it is an offence to belong to or invite support for a proscribed organisation. More generally the provisions of the Terrorism Act apply to all those involved in terrorism, irrespective of whether the organisation they claim to represent is proscribed.

- The Act also includes provisions for specific offences of providing weapons training for terrorist purposes and of recruitment for such training.

and

(ii) the supply of weapons to terrorists?

- The United Kingdom's export control legislation contributes towards the elimination of the supply of weapons to terrorists. The export of conventional weapons from the United Kingdom is not permitted unless the exporter is in possession of a valid export licence. **The Export of Goods (Control) Order 1994**, as amended, (http://www2.dti.gov.United Kingdom/export.control/ legislation/egco.htm) prohibits the export to all destinations of military, security, and para-military goods and arms, ammunition and related material listed in Part III of Schedule 1 to the Order (the "Military List") (http://www2.dti.gov.United Kingdom/export.control/pdfs/egco.ddf) without an export licence.

- The United Kingdom also controls the export of certain goods which may be used in the fight against terrorism (to ensure that such goods do not fall into the hands of terrorists). Controls are also applied to certain industrial explosives that could be used as components of improvised explosive devices.

- **The Export Control Bill**, (www.parliament.the-stationery-office.co.uk/pa/1d200102/1dbills/020/2002020.htm) currently under consideration by Parliament, will provide powers to control trafficking and brokering. It sets out various purposes for which controls may be imposed, which include "the carrying out anywhere in the world of (or of acts which facilitate) acts of terrorism or serious crime anywhere in the world".

- Controls are also in place on nuclear - related items; chemical weapons precursors and related equipment and technology; certain micro-organisms, biological equipment and technology, goods used in weapons of mass destruction programmes; and missiles used for their delivery; and those

dual-use items designed for civil use that can be used for military purposes. These [latter] items are listed in an **Annex to Council Regulation (EC) 1334/2000** (www.dti.gov.uk/export.control/legislation/ecreg.htm, as amended, which establishes a regime for the control of exports of dual-use items and technology in the European Community. It implements agreed dual-use controls including those of the Wassenaar Arrangement, Missile Technology Control Regime, Nuclear Suppliers' Group, the Australia Group and the Chemical Weapons Convention. See (http://www2.dti.gov.United Kingdom/export.control/legislation/ecreg.htm). The Council Regulation also includes a catch-all control which brings items not included in the dual-use list under control if the prospective exporter is informed, or if they are aware, that the items they propose to export are intended for use in connection with a number of Weapons of Mass Destruction activities.

Offences and Penalties Relevant to Export Controls

- The main offences relate to export, or attempted export, of goods contrary to any restriction in force in relation to these goods. Thus any export of controlled goods without the necessary licence gives rise to an offence.

- Section 68(1) of the **Customs and Excise Management Act 1979** (annex) provides penalties of up to £1000 for any export, or attempted export, without the necessary licence and renders the goods liable to forfeiture.

- Sections 68(2) and 68(3) of the same Act provides for penalties of up to 7 years imprisonment and an unlimited fine where there is a deliberate breach of, or attempt to breach, the restriction.

- The above penalties apply to exports controlled under the **Export of Goods (Control) Order 1994** (www.legislation.hmso.gov.uk/si/si1994/Uksi_19940534_en_1.htm) **and Council Regulation (EC) 1334/2000.** (www.dti.gov.uk/export.control/legislation/ecreg.htm)

- Some dual use items, not specifically controlled under Council Regulation (EC) 1334/2000 are controlled under the Dual Use Items (Export Control) Regulations 2000 (SI 2000/2620). The penalty for deliberate breach of these controls is an unlimited fine and 2 years imprisonment.

- The Export Control Bill, currently before Parliament, will enable the United Kingdom to increase the maximum sentence for the most serious offences to 10 years imprisonment. This will apply both to offences that currently attract a maximum sentence of 7 years imprisonment and those that currently attract a maximum sentence of 2 years imprisonment under SI 2000/2620.

Licensing Policy

- Applications to export arms and dual-use goods are assessed against the Consolidated EU and National Arms Export Licensing Criteria (http://files.fco.gov.United Kingdom/und/sanctions/summary.pdf). This assessment takes into account, among other criteria, the record of the buyer country with regard to its support or encouragement of terrorism and the risk of diversion of the equipment within the buyer country or its re-export under undesirable conditions. The United Kingdom pays particular attention to the need to avoid diversion of exports to terrorist organisations.

Sub-paragraph (b) - What other steps are being taken to prevent the commission of terrorists acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

- Countering the activities of those who may be seeking to assist terrorism outside the United Kingdom is a high priority for the Police and Security Service. The United Kingdom is active in promoting international co-operation on terrorism bilaterally and in multinational fora (EU,UN and G8). The United Kingdom also seeks to enhance practical and effective co-operation with other countries to deny terrorists a safe haven and bring them to justice.

Sub-paragraph (c) - What legislation or procedures exist for denying safe haven to terrorists such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.

- Under the United Kingdom's immigration control mechanisms, including the Immigration Acts, the Home Secretary has a personal power to exclude people from the United Kingdom. This power is usually exercised under one of three justifications – national security, public order or foreign relations. Anyone excluded because of possible terrorist links/involvement would fall into the national security category. The power is used sparingly, but regularly. Since 1990, 273 people have been excluded on national security grounds.

- As far as removal is concerned, **the Immigration Act 1971** (as amended) makes provision for the deportation of those whose presence in the United Kingdom is deemed not to be conducive to the public good. There is a right of appeal against any decision of this sort, and a special body, the Special Immigration Appeals Commission, set up to deal with security cases, which hears the appeal. The difficulty with removal is that Article 3 of the European Convention on Human Rights prevents removal to countries where there is a real risk of torture, or inhuman or degrading treatment. This has meant that very few people are removed on national security grounds.

- The Anti-Terrorism, Crime and Security Act provides that, where removal from the UK is not a realistic possibility, those involved in terrorist activities may be detained indefinitely in the UK. This procedure involves a five-year derogation from Article 5 of the European Convention on Human Rights.

Sub-paragraph (d) - What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.

- As well as proscribing twenty-one international terrorist organisations, the provisions of the Terrorism Act 2000 also contain an offence of incitement to commit an act of terrorism wholly or partly outside the United Kingdom, where that act, if committed in the United Kingdom, would constitute one of a number of offences, including murder. The Criminal Justice (Terrorism and Conspiracy) Act 1998 also makes it an offence to conspire in the United Kingdom to commit terrorist offences overseas. The Anti-Terrorism Crime and Security Act strengthens these anti-terrorism laws and includes further measures that increase police powers to investigated suspected terrorist finances

- From an immigration point of view, the Anti-Terrorism, Crime and Security Act enables the state to detain people indefinitely, where the Home Secretary has certified that they are a threat to United Kingdom national security and are suspected international terrorists, and where they cannot be removed to another country.

Sub-paragraph (e) - What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

- The Terrorism Act 2000 defines terrorism as the use or threat, for the purpose of advancing a political, religious or ideological cause, of action which involved serious violence against a person or serious damage to property, endangers a person's life, creates a serious risk to the health or safety of the public or section of the public, or is designed seriously to interfere with or seriously to disrupt an electronic system. Criminal offences falling within this definition can be investigated by the police using the powers contained in the Act. The question of the appropriate punishment for those convicted of criminal offences is a matter for judicial discretion and is based on the guidelines available to the trial judge and the individual circumstances of the case. The United Kingdom courts do, however, regularly impose strong penalties for terrorist-related criminal offences.

Sub-paragraph (f) - What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

- The United Kingdom is committed to strengthened international co-operation to deal with the terrorist threat and considers that it is important to share information and best practice in this area. The United Kingdom is always ready to co-operate with other like-minded countries on counter-terrorism issues, both in bilateral contacts and in international fora such as the EU, UN and G8. For example, within the EU the United Kingdom supported the extension of Europol's remit to include counter-terrorism activity. This has enabled EU Member States to build on the excellent counter-terrorism co-operation that already exists between their police/intelligence agencies.

Sub-paragraph (g) - How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

- The UK concentrates most of its immigration control at sea and airports, using Visa regimes and examination on arrival, backed by intelligence, to prevent the movement of terrorists. The United Kingdom does not issue "identity papers" and does not have an internal system of identity cards or similar. The only form of identity document issued is the British Passport.

- Passports are issued only to UK. Measures are in place to reduce the possibility of fraud, and forgery to a minimum.

- Those who are recognised as refugees by the United Kingdom are issued with a United Kingdom Travel Document. Only those who are settled in the United Kingdom are eligible and they will have gone through the processes outlined in the answer to Operative Paragraph 3, sub-paragraph (f).

Operative Paragraph 3

Sub-paragraph (a) - What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

- The United Kingdom is committed to the rapid exchange between countries of operational information regarding terrorism. Within the EU, the United Kingdom authorities are fully engaged in supporting Europol's new Counter-Terrorism task force. The United Kingdom authorities also continue, in accordance with the terms of the Europol Convention, to transmit to Europol information on counter-terrorism related activity, and relevant threat assessment and protective security measures. The establishment of Europol's Counter-Terrorism Task Force will serve to promote the existing positive co-operation between Europol and EU Member States' police, and security and intelligence services.

- The United Kingdom conducts a number of export control outreach activities in the form of bilateral talks and awareness raising seminars. Dedicated export control bilateral meetings address practical issues surrounding export licensing and enforcement in detail. All states that are new additions to our programme of bilateral talks on export controls are offered seminars focusing on their specific operational needs and interests.

Sub-paragraph (b) - What steps have been taken to exchange information and co-operate in the areas indicated in this sub-paragraph?

- The United Kingdom is active in promoting international co-operation both bilaterally and in multilateral fora, participating energetically in Counter Terrorist activity in the European Union (see Paragraph 8 above); fully supported the Commonwealth Secretary General's initiative to establish a Commonwealth Committee on Terrorism; working with G8 colleagues to produce an Action Plan on Terrorism; and active in the Vienna based organisations of the UN, NATO and the OSCE. In all these fora the UK have encouraged practical and effective co-operation with the aim of denying terrorists a safe haven and bringing them to justice.

Sub-paragraph (c) - What steps have been taken to co-operate in the areas indicated in this sub-paragraph?

- As described in section 3 b) the United Kingdom plays an active role in the campaign against terrorism in a wide range of international organisations. The United Kingdom also discusses counter terrorism issues with a wide range of countries on a bilateral basis (see Paragraph 12 above).

Sub-paragraph (d) - What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

- The United Kingdom has signed and ratified all twelve international global conventions and protocols on terrorism. It is also a Party to the European Convention on the Suppression of Terrorism (1977). Action is in hand to extend these Conventions to the Overseas Territories, in the few cases where this has not already occurred. Details of signature and ratification by the United Kingdom are provided in attachment I.

Sub-paragraph (e) - Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.

- The United Kingdom has fully implemented the twelve international conventions and protocols on terrorism and the European Convention on the Suppression of Terrorism, along with Security Council Resolutions 1269 and 1368. The Terrorism Act 2000, which came into force in February 2000, enabled the UK to ratify the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. Action is in hand to prepare model legislation to enable the Overseas Territories similarly to implement these Conventions.

Sub-paragraph (f) - What legislation procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

- All asylum applicants in the UK are interviewed and their fingerprints taken before any grant of status is made. Where someone is shown, either through interview or other methods, to have connections with terrorist organisations, consideration will be given to whether they are excluded from the protection of the 1951 Convention, and to removing them from the United Kingdom. The Anti-terrorism, Crime and Security Act gives the Home Secretary the power to certify that a person with terrorist connections should not be entitled to the protection of the 1951 Convention. It is United Kingdom Government policy not to reveal details of an individual's immigration status to any third party.

Sub-paragraph (g) – What procedures are in place to prevent the abuse of refugee status by terrorists?

- Under the provisions of Article 1 (f) of the 1951 Convention refugee status is not available to those who have committed serious crimes such as terrorism. In the context of Article 33 of the Convention, terrorists can not benefit from the principle of non-refoulement. In cases where removal is precluded by Article 3 of the European Convention on Human Rights, terrorists will be detained indefinitely under the Anti-Terrorism, Crime and Security Act.

Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

- Extradition to and from the United Kingdom is governed by the **Extradition Act 1989** ("the 1989 Act"). This can be found at http://www.legislation.hmso.gov.United Kingdom/acts/acts1989

- Section 6 of, and Schedule 1, paragraph 1(2) to, the 1989 Act provide that a fugitive shall not be extradited for an "offence of a political character". However, this basic provision is qualified in a number of ways:

  (a) Section 23 of the 1989 Act provides that acts of genocide may not be regarded as offences of a political character;

  (b) Section 24 of the 1989 Act (attachment II), as amended by section 64 of the Terrorism Act 2000, provides that in respect of extradition requests from designated countries certain offences cannot be regarded as offences of a political nature. The offences are those listed in Schedule 1 to the Suppression of Terrorism Act 1978 ('the 1978 Act') (attachment III) and in section

22(4)(m) and (n) of the 1989 Act which refer to the International Conventions on the Suppression of Terrorist Bombings and the Suppression of the Financing of Terrorism;

(c) By designating states, the United Kingdom disapplies the political offence exception for those offences listed in Schedule 1 of the 1978 Act. 18 European Convention on Extradition (ECE) states and the USA and India are so designated (attachment IV).

- The United Kingdom intends to introduce further legislation on extradition early in 2002 to ensure that its legislation complies fully with the terms of SCR 1373.

Attachments:

I United Kingdom Ratification and Signature of Terrorism Conventions
II Extract from 1989 Extradition Act
III Schedule 1 to the Suppression of Terrorism Act 1978
IV List of designated States under Schedule 1 of the above.

Contact Points: For further information on any aspect of this report please contact either:

First Secretary (Counter Terrorism) Permanent Mission of the United Kingdom to the United Nations 28th Floor One Dag Hammarskjöld Plaza 885 Second Avenue New York, NY 10017 Tel (212) 745-9380 Fax (212) 745-9316 E:mail: UK.ctc.newyork@fco.gov.uk	Counter Terrorism Desk United Nations Department Foreign and Commonwealth Office K150 King Charles Street London SW1A 2AH, UK Tel (44 20) 7270 2490 Fax (44 20) 7270 3910 E:mail: UK.ctc@fco.gov.uk

Attachment I

UNITED KINGDOM ADHERENCE TO UNITED NATIONS CONVENTIONS ON TERRORISM

Convention	Signature	Ratification
1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963	14 Sep 63	29 Nov 68
2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970	16 Dec 70	22 Dec 71
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971	23 Sep 71	25 Oct 73
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973	13 Dec 74	2 May 79
5. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979	18 Dec 79	22 Dec 82
6. Convention on the Physical Protection of Nuclear Material, signed at Vienna 3 March 1980	13 Jun 80	6 Sep 91
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988	26 Oct 88	15 Nov 90

Convention	Signature	Ratification
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Concluded at Rome on 10 March 1988 Protocol to the above mentioned Convention for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf. Concluded at Rome on 10 March 1988	22 Sep 88	3 May 91
9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988	22 Sep 88	3 May 91
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991	1 Mar 91	28 Apr 97
11. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997	12 Jan 98	7 Mar 01
12. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December1999	10 Jan 00	7 Mar 01

UNITED KINGDOM ADHERENCE TO EUROPEAN CONVENTION ON TERRORISM

European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977	27 Jan 77	24 Jul 78

Attachment II

Section 24 of the Extradition 1989

(1) For the purposes mentioned in subsection (2) below—

(a) no offence to which section 1 of the Suppression of Terrorism Act 1978 applies shall be regarded as an offence of a political character; and

(b) no proceedings in respect of an offence to which that section applies shall be regarded as a criminal matter of a political character or as criminal proceedings of a political character.

(2) Those purposes are the purposes—

(a) of a request for the return of a person in accordance with extradition procedures under Part III of this Act made by a country to which this subsection applies; and

(b) of a requisition under Schedule 1 to this Act which is made by such a country.

(3) Subsection (2) above applies—

(a) to a country for the time being designated in an order made by the Secretary of State as a party to the European Convention on the Suppression of Terrorism signed at Strasbourg on 27th January 1977; and

(b) to a country in relation to which the Secretary of State has made an order under section 5 of the Suppression of Terrorism Act 1978 applying that subsection.

(4) In relation to a requisition under Schedule 1 to this Act which is made by a country to which subsection (2) above applies that Schedule shall have effect as if at the end of paragraph 1(2)(b) there were added

"or

(c) he proves to the satisfaction of the District Judge (Magistrates' Courts) or the court before whom he is brought on habeas corpus, or to the Secretary of State—

(i) that the requisition for his surrender has in fact been made with a view to try or punish him on account of his race, religion, nationality or political opinions; or

(ii) that he might, if surrendered, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.".

(5) Subsections (1) and (2) above shall have effect in relation to an offence to which section 22(4)(m) or (n) above applies as they have effect in relation to an offence to which section 1 of the Suppression of Terrorism Act 1978 applies.

(6) For that purpose subsection (2) applies to a country which is a party to—

(a) the Convention for the Suppression of Terrorist Bombings mentioned in section 22(2)(m) above, or

(b) the Convention for the Suppression of the Financing of Terrorism mentioned in section 22(2)(n) above.

Attachment III

The Suppression of Terrorism Act 1978

Schedule 1- List of Offences

1. Murder.

2. Manslaughter or culpable homicide.

3. Rape.

4. Kidnapping, abduction or plagium.

5. False imprisonment.

6. Assault occasioning actual bodily harm or causing injury.

7. Wilful fire-raising.

8. Offences against the person :

An offence under any of the following provisions of the Offences against the Person Act 1861–

(za) section 4 (soliciting etc to commit murder);

(a) section 18 (wounding with intent to cause grievous bodily harm);

(b) section 20 (causing grievous bodily harm);

(c) section 21 (attempting to choke etc in order to commit or assist in the committing of any indictable offence);

(d) section 22 (using chloroform etc to commit or assist in the committing of any indictable offence);

(e) section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm);

(f) section 24 (maliciously administering poison etc with intent to injure etc);

(g) section 48 (rape).

9. An offence under section 1 of the Sexual Offences Act 1956 (rape).

10. Abduction

An offence under any of the following provisions of the Offences against the Person Act 1861–

(a) section 55 (abduction of unmarried girl under 16);

(b) section 56 (child-stealing or receiving stolen child).

8. An offence under section 20 of the Sexual Offences Act 1956 (abduction of unmarried girl under 16).

11A. Taking of hostages

An offence under the Taking of Hostages Act 1982.

11B. An offence under section 2 of the Child Abduction Act 1984 (abduction of child by person other than parent etc) or any corresponding provision in force in Northern Ireland.

12. Explosives

An offence under any of the following provisions of the Offences against the Person Act 1861–

(a) section 28 (causing bodily injury by gunpowder);

(b) section 29 (causing gunpowder to explode etc with intent to grievous bodily harm).

(c) section 30 (placing gunpowder near a building etc with intent to cause bodily injury).

13. An offence under any of the following provisions of the Substances Act 1883–

(a) section 2 (causing explosion likely to endanger life or property

(b) section 3 (doing any act with intent to cause such explosion, conspiring to cause such an explosion, or making or possessing explosive with intent to endanger life or property).

13A. Nuclear material

An offence under any provision of the Nuclear Material (Offences) Act 1983.

14. Firearms

The following offences under the Firearms Act 1968–

(a) an offence under section 16 (possession of firearm with to injure);

(b) an offence under subsection (1) of section 17 (use of firearm or imitation firearm to resist arrest) involving the use attempted use of a firearm within the meaning of that section.

15. The following offences under the Firearms (Northern Ireland) Order 1981

(a) an offence under Article 17 consisting of a person's in his possession any firearm or ammunition (within the meaning that Article) with intent by means thereof to endanger life, or to enable another person by means thereof to endanger life;

(b) an offence under paragraph (1) of Article 18(use of firearm or imitation firearm to resist arrest) involving the use or attempted use of a firearm within the meaning of that Article.

16. Offences against property

An offence under section 1(2) of the Criminal Damage Act 1971 (destroying or damaging property intending to endanger life or being reckless as to danger to life).

17. An offence under Article 3(2) of the Criminal Damage (Ireland) Order 1977 (destroying or damaging property intending to endanger life or being reckless as to danger to life).

18. Offences in relation to aircraft

An offence under Part I of the Aviation Security Act 1982 (other than an offence under section 4 or 7 of that Act).

18A. An offence under section 1 of the Aviation and Maritime Security Act 1990.

18B. Offences relating to ships and fixed platforms

An offence under Part II of the Aviation and Maritime Security Act 1990 (other than an offence under section 15 of that Act).

18C. Offences relating to Channel Tunnel trains and the tunnel system

An offence under Part II of the Channel Tunnel (Security) Order 1994 No 570.

19A. Financing terrorism

An offence under any of sections 15 to 18 of the Terrorism Act 2000.

20. Attempts

An offence of attempting to commit any offence mentioned in preceding paragraph of this Schedule.

21. Conspiracy

An offence of conspiring to commit any offence mentioned in preceding paragraph of this Schedule.

Attachment IV

Orders under the 1978 Act have been made for the following European Convention on Extradition states:

Austria
Belgium
Cyprus
Denmark
France
Germany
Iceland
Republic of Ireland
Italy
Liechtenstein
Luxembourg
Netherlands
Norway
Portugal
Spain
Sweden
Switzerland
Turkey

Orders have been made under section 5 of the 1978 Act in respect of:

USA
India

United Nations S/2001/1233

Security Council

Distr.: General
24 December 2001
English
Original: French

Letter dated 20 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Sweden, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee

01-71440 (E) 271201 311201

Annex

[Original: English]

Letter dated 20 December 2001 from the Permanent Representative of Sweden to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instruction from my Government, I hereby have the honour of enclosing a report from Sweden to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001).

My Government stands ready to provide the Committee with further reports or information, as necessary or if requested to do so by the Committee.

I should be grateful if you would have the text of this letter and the enclosed report circulated as a document of the Security Council.

(*Signed*) Pierre **Schori**
Ambassador
Permanent Representative

Enclosure

Report by Sweden to the Counter-Terrorism Committee established under paragraph 6 of resolution 1373 (2001), adopted by the Security Council at its 4385th meeting on 28 September 2001

Security Council resolution 1373 (2001) calls upon all States to report within 90 days to the Committee established under the provisions thereof on the steps taken to implement the resolution. This report is set out in accordance with the guidelines circulated by the Chairman of the Committee.

As a member of the European Union, Sweden hereby refers to the common report of the States members of the European Union. In addition, Sweden would like to add the following regarding national legislative measures:

1 (a) What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in response to questions on 1 (b) to (d)?

The measures taken to prevent and suppress the financing of terrorist acts are described in detail under each and every subparagraph. However, as described in the report of the European Union, the Financial Action Task Force on Money Laundering has extended its mandate to the financing of terrorism and Sweden, as a member of the Task Force, will take an active part in the implementation of the newly adopted special recommendations.

1 (b) What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Offences

The financing of crimes comes under the heading of preparation to commit a crime. Under chapter 23, section 2, of the Swedish Penal Code, a person who, with the intention of committing or promoting a crime, presents or receives money or anything else as pre-payment or payment for a crime shall in certain designated cases be sentenced for preparation of the crime unless he or she is found guilty of having attempted to commit or having committed a crime. In certain designated cases a sentence shall also be imposed for conspiracy to commit a crime. Conspiracy is defined as a decision to act in collusion with another person, or an offer to undertake or execute a crime or the attempt to incite another person to do so.

However, if the terrorist act is found to have been attempted or completed, a person financing the crime will be sentenced for aiding or instigating the preparatory or completed act. Under chapter 23, section 4, of the Swedish Penal Code, punishment shall be imposed not only on the person who committed the crime but also on anyone who furthered it by advice or deed (e.g., financing). A person not regarded as the perpetrator shall, if he or she induced another person to commit the act, be sentenced for *instigation* of the crime or for *aiding and abetting* the crime. Each accomplice shall be judged according to the intent or the negligence attributable to him or her.

Penalties

(a) If *financing an act of terrorism* that has been *completed* or reached the level of *attempt*, the maximum sentence is imprisonment for life;

(b) If *financing an act of terrorism* that has not been *completed* or reached the level of *attempt*, the maximum sentence shall be less than the highest limit applicable to the completed crime.

Sweden has ratified all the international criminal law conventions for the suppression of terrorism except for the International Convention for the Suppression of the Financing of Terrorism. Thus, Sweden has ratified and implemented all the conventions and protocols listed in the annex to the International Convention for the Suppression of the Financing of Terrorism. All acts which constitute an offence within the scope of and defined in the international criminal law conventions for the suppression of terrorism are therefore classed as crimes in Sweden.

Swedish legislation, however, contains no reference to specific criminal offences for terrorist acts. Persons committing terrorist acts are punished under the general provisions in the Penal Code. Terrorist acts punishable as crimes include murder, kidnapping, arson, aggravated criminal damage involving danger to someone's life, sabotage, hijacking, maritime or air traffic sabotage, airport sabotage and spreading poison or contagious substances. *All these crimes are punishable by life imprisonment.*

Under chapter 23, section 1, of the Swedish Penal Code, the penalty for an attempt to commit such crimes shall not be greater than what is applicable to a completed crime and not less than imprisonment if the lowest punishment for the completed crime is imprisonment for two years or more.

Punishment for *preparation* or *conspiracy* shall, under chapter 23, section 2, of the Swedish Penal Code, be less than the highest limit applicable to the completed crime.

1 (c) What legislation and procedures exist for freezing accounts and assets at banks and financial institutions?

The provisions embodied in resolution 1373 (2001) are in this respect covered by relevant European Community Regulations which are directly applicable in Sweden. This mainly holds for Council Regulation (EC) No. 467/2001 of 6 March 2001 and the five amendments that the European Commission has so far made to this Regulation *and* the coming Regulation on the implementation of resolution 1373 (2001). In this respect, Sweden refers to the common report of the States members of the European Union.

1 (d) What measures exist to prohibit the activities listed in this subparagraph?

See the response given in subparagraph 1 (c).

2 (a) What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Preparation or conspiracy to commit a crime

Under chapter 23, section 2, of the Swedish Penal Code, a person who procures, constructs, gives, receives, keeps, conveys or engages in any other similar activity with poisons, explosives, weapons, picklocks, falsification tools or other such means with the intention of committing or promoting a crime shall in certain designated cases be sentenced for preparation of a crime unless he or she is found guilty of having attempted to commit or committed the crime. In certain designated cases a sentence shall also be imposed for conspiracy. Conspiracy is defined as a decision to act in collusion with another person, or an offer to undertake or execute a crime, or the attempt to incite another person to do so.

Unlawful recruiting

A person who recruits people for military or comparable service without the authority of the Government can be sentenced for unlawful recruiting.

Inciting rebellion

A person who publicly urges or otherwise attempts to entice people to commit a criminal act can be sentenced for inciting rebellion. The act can be committed orally, through a publication or in other messages to the public.

The Special Control of Foreigners Act

The Special Control of Foreigners Act, the so-called *terrorist law*, allows the authorities to act even before there is full evidence of a crime being planned. Under this law, the Government can expel a foreigner if this is deemed necessary to the security of Sweden or if there are reasons to suspect that he or she will commit or take part in crimes involving violence, threats or coercion for political purposes. The law is also applicable to crimes suspected of having been committed abroad.

Furthermore, Swedish arms legislation is relatively restrictive in international terms and covers the provisions set out in the European Union directives in this area.

2 (b) What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early warning mechanisms exist to allow exchange of information with other States?

At a meeting on 20 September 2001, the European Council agreed on a number of measures to intensify information exchange between member States. These include regular meetings of the heads of member States' anti-terrorist units and their intelligence agencies. Cooperation between the States members of the European Union and Europol has also been stepped up. Sweden has appointed one liaison officer to the team of counter-terrorism specialists set up in Europol.

The decision taken on 6 December 2001 to make Eurojust fully operational will also facilitate the exchange of operational information. When the Swedish Riksdag has consented to Swedish approval of Eurojust, Sweden will be able to

withdraw its parliamentary scrutiny reservation and thus give its full support to approval of Eurojust.

2 (c) What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph?

Under the Aliens Act (1989), the Swedish Migration Board or the Aliens Appeals Board may exclude aliens who have been involved in terrorist acts from refugee status following the same principles as those set out in article 1 F (a) of the 1951 Geneva Convention relating to the Status of Refugees. Refugees or other persons in need of protection may be denied residence permits in exceptional cases on the basis of what is known about the alien's previous activities or on the grounds of national security. However, persons who risk capital punishment or torture or other inhuman or degrading treatment or punishment may never be returned to their country of origin or another country where they would be exposed to such a risk.

2 (d) What legislation or procedures exist to prevent terrorists from acting from your territory against other States or citizens?

See the response given under subparagraph 2 (b).

As stated earlier, Swedish legislation contains no reference to specific criminal offences for terrorist acts. Persons committing such acts are punished in accordance with the general provisions in the Penal Code. The Penal Code also provides for prosecution for acts being executed or planned from Sweden against other States or citizens.

Another way of preventing such acts would be to invoke the Special Control of Foreigners Act (see the response in subparagraph 2 (a)). Under this law, the Government can expel a foreigner if there are grounds for suspecting that he or she will commit or take part in crimes involving violence, threats or coercion for political purposes. The law is also applicable to crimes suspected of having been committed abroad.

2 (e) What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts?

Sweden has ratified all of the international criminal law conventions for the suppression of terrorism, except for the International Convention for the Suppression of the Financing of Terrorism. Thus, Sweden has ratified and implemented all the conventions and protocols which are listed in the annex to the International Convention for the Suppression of the Financing of Terrorism. All acts that constitute an offence within the scope of and as defined in the international criminal law conventions for the suppression of terrorism are therefore criminalized in Sweden.

Furthermore, on 15 October 2001, Sweden signed the International Convention for the Suppression of the Financing of Terrorism. The necessary legislation for Sweden to comply fully with and adhere to the Convention is being prepared. The intention of the Swedish Government is to send a bill to Parliament early next year with the necessary legislative proposals, including a proposal that Sweden should

ratify the Convention. If accepted by Parliament, the new legislation and ratification ought to come into force on 1 July 2002.

As stated above, Swedish legislation contains no reference to terrorist acts as a special criminal offence. Persons committing terrorist acts are punished in accordance with the general provisions of the Penal Code. Terrorist acts may take the form of a number of specific offences, for example, murder, kidnapping, arson, devastation, endangering the public, sabotage, hijacking, maritime or air traffic sabotage, airport sabotage and spreading poison or a contagious substance. *All these crimes are punishable by imprisonment for life.*

In addition, as a member of the European Union, Sweden is required to implement the Framework Decision on combating terrorism, which is set out in the general report of the European Union.

Finally, on 6 December 2001, the European Council reached political agreement on setting up the judicial cooperation unit Eurojust. Its objective is to improve and encourage cooperation between the competent national authorities, in particular by facilitating mutual legal assistance and the implementation of extradition requests. When the Swedish Riksdag has consented to Swedish approval of Eurojust, Sweden will be able to withdraw its parliamentary scrutiny reservation and thus give its full support to approval of Eurojust.

2 (f) What procedures and mechanisms are in place to assist other States?

With regard to judicial cooperation, the Act concerning International Legal Assistance in Criminal Matters (2000:562) allows Swedish prosecutors and judges to be of assistance in foreign criminal investigations. When another State requests assistance, Sweden can provide help with all measures which are permissible in a Swedish preliminary investigation (e.g., searches of premises and confiscation, secret interception of telecommunications, etc.). When such measures are taken, the same terms and conditions apply as in Swedish preliminary investigations. Sweden does not require the existence of an agreement with the State requesting support. Assistance can always be given if the conditions specified by the legislation are fulfilled.

See also the response given under subparagraph 2 (b).

2 (g) How do border controls in your country prevent the movement of terrorists? How do your procedures for the issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc?

Since 25 March 2001, Sweden has been an operative member of the Schengen group. This means that there are no longer any border checks at internal frontiers, i.e., borders shared with other Schengen States, and that people are able to move freely between Sweden and other States in the Schengen area. At the external borders, the Schengen State at the border is responsible for border controls. With respect to a number of the questions dealt with in this report, uniform regulations are in force for the entire area covered by the Schengen Agreement. Checks at the external borders are carried out in accordance with common regulations. For its part, Sweden implemented a number of measures to strengthen its own border controls in preparation for entry into the Schengen group. In the consular area, there is extensive cooperation between the Schengen States, including cooperation on visa

policy. To prevent forgery, visas, travel documents and other papers issued conform to joint European Union security standards.

The Schengen Information System (SIS) contains information on missing documents and other objects, persons who are to be denied entry into the Schengen area and other data. There is extensive police cooperation between the Schengen States. On 12 September 2001, the Swedish National Police Board began an evaluation of Sweden's operative entry into the Schengen group with the assistance of the Board of Customs, the Swedish Coast Guard, the Swedish Migration Board, the public prosecution offices and other authorities. In this evaluation, particular emphasis has been given to the importance of efficient border controls and one of the points raised has been the question of the measures that need to be taken to prevent the free movement of terrorists. One example of a specific measure is the stationing of extra staff at the borders.

3 (a) What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

See the response in subparagraph 2 (b).

3 (b) What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Regarding cooperation on judicial measures, the Act on International Judicial Assistance in Criminal Matters (2000:562) enables Sweden to assist other countries, inter alia, with questioning in connection with preliminary investigations, the taking of evidence by a court and with procedural coercive measures such as attachment, confiscation and search of premises. All the instruments available for domestic investigations under the Code of Judicial Procedure may be used when other States request assistance.

The Swedish Security Service extends continual, highly developed cooperation to other security services. This cooperation, which naturally has intensified after the events in the United States, not only includes direct exchanges of information between security services; the Security Service also actively participates in regular meetings which take place within the framework of European Union cooperation and in other forums within and outside Europe involved with the fight against terrorism. This latter type of cooperation consists largely of the general exchange of information, while the former is of a more operative nature.

See also the response given under subparagraph 2 (b).

3 (c) What steps have been taken to cooperate in the areas indicated in this subparagraph?

As far as the question concerning measures taken against offenders is concerned, as mentioned previously in connection with subparagraph 2 (f), prosecutors and judges are able to offer assistance with foreign criminal investigations under the Act concerning International Legal Assistance in Criminal Matters (2000:562).

In addition, see the responses given in subparagraphs 2 (b) and 3 (b).

3 (d) What are your intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

International criminal law conventions for the suppression of terrorism

Sweden has ratified all the international criminal law conventions for the suppression of terrorism, except for the International Convention for the Suppression of the Financing of Terrorism. Thus, Sweden has ratified and implemented all the conventions and protocols listed in the annex to the International Convention for the Suppression of the Financing of Terrorism. All acts constituting an offence within the scope of and defined in the international criminal law conventions for the suppression of terrorism are therefore criminal offences in Sweden.

International Convention for the Suppression of the Financing of Terrorism

Sweden signed this Convention on 15 October 2001. The legislation that needs to be in place to enable Sweden to fully comply with and adhere to the Convention is in preparation. The Swedish Government intends to present a bill to Parliament early next year containing the necessary legislative proposals, including a proposal that Sweden should ratify the Convention. If accepted by Parliament, the new legislation and ratification ought to come into force on 1 July 2002.

Convention on the Marking of Plastic Explosives for the Purpose of Detection

This Convention was drawn up in 1991 and refers to the marking of plastic explosives. The Convention requires States parties to equip all their plastic explosives, including those that are privately owned, with substances that facilitate detection. Sweden signed the Convention on 13 November 1992 but has not yet ratified it.

3 (e) Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph?

Sweden has ratified and implemented the following *international conventions and protocols* relating to terrorism:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokyo, 14 September 1963;
- Convention for the Suppression of Unlawful Seizure of Aircraft, The Hague, 16 December 1970;
- Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Montreal, Canada, 23 September 1971;
- Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, New York, 14 December 1973;
- International Convention Against the Taking of Hostages, New York, 18 December 1979;
- Convention on the Physical Protection of Nuclear Material, Vienna, 3 March 1980;

- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Montreal, Canada, 24 February 1988;
- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, Rome, 10 March 1988;
- International Convention for the Suppression of Terrorist Bombing, New York, 12 January 1998.

Sweden has also ratified the European Convention on the Suppression of Terrorism, Strasbourg, France, 27 January 1977.

Sweden has *signed but not yet ratified* the following two international conventions relating to terrorism:

- Convention on the Marking of Plastic Explosives for the Purpose of Detection, Montreal, Canada, 1 March 1991;
- International Convention for the Suppression of the Financing of Terrorism, New York, 10 January 2000.

In addition, see the responses given under subparagraph 3 (d).

3 (f) What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status?

The Swedish Government has instructed the Swedish Migration Board and the Aliens Appeals Board in writing to look into the implementation of this article in their assessment of individual cases. Thorough security measures are implemented in the handling of individual cases at present within the framework of existing asylum and migration laws and regulations. The Migration Board and the Aliens Appeals Board may ask the security police for an opinion in cases where the authorities believe there are grounds for exclusion from refugee status, for example, alleged terrorism.

3 (g) What procedures are in place to prevent the abuse of refugee status by terrorists?

The Swedish Migration Board has appointed a task force to ensure better coordination between asylum authorities and police and prosecutors in order to fulfil the requirements set out in resolution 1373 (2001), primarily to facilitate better use of existing legal recourse for excluding terrorists from refugee status and to make it easier to bring them to justice.

United Nations S/2001/1234

Security Council

Distr.: General
21 December 2001
English
Original: French

Letter dated 20 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Singapore, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

01-71452 (E) 271201 020102

Annex

[Original: English]

Letter dated 20 December 2001 from the Permanent Representative of Singapore to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to forward the report of the Republic of Singapore pursuant to paragraph 6 of Security Council resolution 1373 (2001) to the Counter-Terrorism Committee as well as the annexes referred to in the said report (see enclosure).

I would be grateful if the text of the present letter and the enclosed report (without annexes) could be circulated as a document of the Security Council. The annexes have been included only for the Committee's records. Soft copies of all the attached documents will be forwarded to the Secretary of the Committee by e-mail.

(*Signed*) Kishore **Mahbubani**
Ambassador Extraordinary and Plenipotentiary

Enclosure

Report to the Counter-Terrorism Committee on Singapore's implementation of United Nations Security Council resolution 1373 (2001)

1 Singapore is committed to rendering our full cooperation to the United Nations, its member-states and especially the Counter-Terrorism Committee established by the Security Council pursuant to Resolution 1373 (2001). In order to fulfil our international obligations, we have taken a wide range of steps, which are detailed below.

2 Singapore believes that there must be coherent and co-ordinated international action against terrorism. The United Nations must continue to play a central role in this effort. ***Singapore has signed the International Convention for the Suppression of the Financing of Terrorism on 18 December 2001 with a view to ratification in the near future.*** We also support the expeditious conclusion of negotiations on the Comprehensive Convention against Terrorism that will serve to further strengthen the international legal framework against terrorism.

Singapore's Inter-Ministerial Task Force on Anti-Terrorism

3 Shortly after the terrorist attacks on the United States on 11 September 2001, Singapore established an Inter-Ministerial Task Force on Anti-Terrorism under the auspices of the Attorney General and Minister for Foreign Affairs and Law. The Task Force comprises senior officials from: the Attorney-General's Chambers, Ministry of Foreign Affairs, Ministry of Law, Ministry of Home Affairs (which has jurisdiction over immigration and law enforcement matters), Ministry of Defense, Ministry of Transport, Ministry of Trade and Industry, as well as the Monetary Authority of Singapore (the principal regulator for financial matters) and the Commercial Affairs Department of the Singapore Police Force (which is the principal enforcement agency for financial matters). The Task Force is responsible for:

3.1 Reviewing our existing laws and undertaking the necessary follow-up measures including legislative and administrative initiatives to ensure Singapore's full compliance with our international obligations. They include consideration of the requirements of relevant UNGA and UNSC resolutions, the special recommendations of the Financial Action Task Force[1] and our commitments to multi-lateral and regional bodies including the Commonwealth, Asia Pacific Economic Cooperation (APEC) and Association of Southeast Asian Nations (ASEAN) on anti-terrorism.

[1] As a member of the Financial Action Task Force on Money Laundering (FATF), we fully supported the expansion of the FATF's mandate to cover terrorism. We participated in the FATF extraordinary plenary meeting on the financing of terrorism held in Washington D.C. on 29 and 30 October 2001, which adopted 8 Special Recommendations to combat the financing of terrorism.

3.2 Enhancing our national capacity to deal with the effective implementation of national measures to combat international terrorism. These include better coordination among local agencies and expeditious exchange of information related to their respective areas of responsibility.

4 These executive actions reflect Singapore's principled position that we will prevail against terrorism only through closer and deeper co-ordination between our law enforcement agencies, both at the national level as well as at the multilateral level. We support better practical cooperation and co-ordination among law enforcement, customs and intelligence agencies of all countries.

Legislative Action

5 Singapore has adopted the necessary enabling legislation in order to implement UN Security Council Resolution 1373 (2001):

5.1 The Singapore Parliament enacted the United Nations Act, which entered into force on 29 October 2001. Under section 2(1) of the United Nations Act 2001, the Minister for Law may from time to time issue regulations that will enable us to give effect to measures mandated by the UN Security Council. (A copy of the UN Act is at Annex A).

5.2 To specifically give effect to UN Security Council Resolution 1373 (2001), Singapore also issued the United Nations (Anti-Terrorism Measures) Regulations 2001 on 13 November 2001. (A copy of the Regulations is at Annex B.)

6 We are confident that Singapore's laws are able to satisfy the requirements of UN Security Council Resolution 1373 (2001). At the same time, the UN Act (2001) gives flexibility for Singapore to respond expeditiously and effectively to any future UNSC resolutions on this and other matters.

Questions

Sub-paragraph 1 (a) What measures, if any, have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to Questions on 1 (b) to (d).

Sub-paragraph 1 (a) reads "All states shall: Prevent and suppress the financing of terrorist acts;"

7 Prior to 11 September 2001, Singapore already had in place a rigorous system of checks - benchmarked against international best practices - designed to detect and counter the use of the financial system by criminals. The Monetary Authority of Singapore (MAS) is the regulator of Singapore banks and other major financial institutions and the Commercial Affairs Department (CAD), Singapore Police Force, is the main enforcement agency. These Singapore agencies have, since 11 September 2001, undertaken the following measures:

7.1 MAS has instructed the banks and other financial institutions under its supervision to be more vigilant against the misuse of banking and financial systems by terrorists. To supplement its instructions, MAS has intensified its on-site focused inspections since 11 September 2001. The purpose of these inspections are to verify that financial institutions continue to strictly adhere to anti-money laundering procedures and have rigorous procedures to identify customers that are suspected of financing terrorist activities. (The details are at paragraph 15.) These inspections will continue to be undertaken as part of Singapore's larger efforts to preserve the integrity of our financial system.

7.2 Even before 11 September 2001, CAD has taken prompt action and implemented the same rigorous review method for every Suspicious Transaction Report (STR) that it receives from banks, financial institutions and the MAS. Since the 11 September 2001 attacks, CAD has been even more vigilant in reviewing STRs for possible financial accounts linked to terrorists. To maintain these high levels of monitoring, the CAD has increased the staffing in CAD's Suspicious Transactions Reporting Office (STRO), which is the central agency in Singapore to receive and review STRs.

8 As of the date of this report, we have not detected any terrorist accounts in our financial systems. We will continue our strict monitoring of financial flows to protect the integrity of our financial system. Singapore has also taken the following measures to further strengthen the integrity of our financial system against abuse by terrorists and other criminal elements:

8.1 Singapore is fully committed to meeting the deadlines to implement the FATF's Special Recommendations to combat terrorism. We will be submitting to FATF a Self-Assessment Report on our implementation of the Special Recommendations before 31 December 2001, and we are confident of fully implementing the Special Recommendations by June 2002.

8.2 Singapore has applied to join the Egmont Group of Financial Intelligence Units.[2] The Egmont Group serves as a platform for exchanges of financial information amongst member countries. Singapore views joining the Egmont Group as mutually beneficial and is prepared to enter into arrangements with our counterparts for such exchanges of information.

Sub-paragraph 1 (b) What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

Sub-paragraph 1(b) reads: "All States shall: Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the

[2] The Egmont Group is an informal organisation providing a forum for Financial Intelligence Units (specialised Government agencies dealing with the problem of money laundering) to improve support to their respective national money laundering programmes.

intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;"

9 Regulation 5 of the United Nations (Anti-Terrorism Measures) Regulations 2001 provides that no person in Singapore and no citizen of Singapore outside Singapore shall — (a) provide funds to any person by any means, directly or indirectly; or (b) collect funds for any person by any means, directly or indirectly, if he knows or has reasonable grounds to believe that the funds will be used to commit any terrorist act or facilitate the commission of any terrorist act.

10 Regulation 9 provides that no person in Singapore and no citizen of Singapore outside Singapore shall knowingly do anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by regulation 5 (and regulations 6, 7 and 8).

11 Regulation 4(1) defines the term "funds" as including (but not confined to) cheques, bank deposits and other financial resources.

12 The term "terrorist act" has also been given a comprehensive definition (see regulation 4(1)) so as to ensure that all terrorist acts will indeed fall within the ambit of the Regulations.

13 The term "person" in the Regulations includes any company or association or body of persons, corporate or unincorporate (as provided in section 2 of the Interpretation Act).

Sub-paragraph 1 (c) What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Sub-paragraph 1(c) reads: "Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;"

14 Section 27A of the MAS Act empowers the Authority to issue directions to a financial institution or a class of financial institutions in order to discharge or facilitate the discharge of any obligation binding on Singapore by virtue of a decision of the UN Security Council. (See Annex C for copy of Section 27A). The Authority is thus empowered to issue circulars to financial institutions under its purview to freeze funds from entities and parties that have been subject to UN Security Council sanctions. The directions of the Authority, made under section 27A, have the force of law notwithstanding any other law or contractual obligations applying to the financial institutions. Pursuant to section 27A of the MAS Act, the Authority has issued Circulars to implement the financial sanctions imposed by UN Security Council Resolutions. They include the following circulars:

14.1 MAS Circular FSG 5/2001 - A circular issued to facilitate the discharge of Singapore's obligations under UN Security Council Resolution 1267 (1999). The circular requires all Banks and Financial Institutions under the Authority's purview to freeze any Taliban assets and or funds.

14.2 MAS Circular FSG 6/2001 - A circular issued to facilitate the discharge of Singapore's obligations under UN Security Council Resolution 1333 (2000). The circular requires all Banks and Financial Institutions under the Authority's purview to freeze any assets or funds of Usama Bin Laden or persons associated with Usama Bin Laden as listed in UN Security Council Resolution 1333 (2000).

14.3 MAS Circulars FSG 47/2001, FSG 57/2001 and FSG 62/2001 to give effect to updates in the list of individuals on whom sanctions have been imposed under UN Security Council Resolution 1333 (2000).

14.4 MAS Circular FSG 48/2001, to give effect to UN Security Council Resolution 1373 (2001). This circular (enclosed in Annex D) makes, among other things, the following provisions, which are binding on financial institutions -

(a) No designated asset which is in the possession, custody or control of a financial institution, whether directly or indirectly shall be transferred, withdrawn, disposed of or otherwise dealt with, except with the prior approval of the Authority and in accordance with such further conditions as may be imposed by the Authority.

(b) A financial institution shall not in any way, directly or indirectly, extend credit facilities to any designated person, permit drawdowns on existing credit facilities granted to any designated person, or extend other financial or financial related services to any designated person except with the prior approval of the Authority and in accordance with such further conditions as may be imposed by the Authority.

(c) A financial institution shall not carry into effect or complete any transaction, whether contractual or otherwise with any designated person, except with the prior approval of the Authority and in accordance with such further conditions as may be imposed by the Authority.

(d) If a financial institution has possession of, custody or control over any designated asset, the institution shall as soon as possible notify the Authority of that fact and provide the Authority with all relevant particulars of the designated asset and the circumstances under which the institution came to be in possession, custody or control of the designated asset.

The Circular deliberately defines the terms "designated asset" and "designated person" very widely so as to effectively implement UN Security Council Resolution 1373 (2001).

15 The Authority requires all its regulated financial institutions to institute rigorous anti-money laundering procedures. The Authority conducts on-site checks to ensure that financial

institutions have adequate control systems, processes and procedures to combat money-laundering and for the reporting of suspicious transactions. Since the 11 September 2001 attacks, the Authority has intensified its supervisory efforts by conducting focused inspections to verify the financial institutions' compliance with anti-money laundering guidelines and directives relating to transactions with terrorists identified by the UN Security Council and the freezing of terrorists' funds. Between 11 September 2001 and 6 December 2001, the number of institutions inspected were as follows:

Banks and Merchant Banks	56
Finance Companies	3
Remittance Agents/Money Changers	25
Securities and Futures Intermediaries	33
Insurance Companies	12
Total	**129**

Sub-paragraph 1 (d) What measures exist to prohibit the activities listed in this sub-paragraph?

Sub-paragraph 1 (d) reads: "All States shall: Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;"

16 Under regulation 7 (1) of the United Nations (Anti-Terrorism Measures) Regulations 2001, no person in Singapore and no citizen of Singapore outside Singapore shall, (a) make available any funds or other financial assets or economic resources; or (b) make available any financial or other related services, for the benefit of any prohibited person. [A prohibited person means any terrorist, any entity owned or controlled by a terrorist; or any person or entity acting on behalf or at the direction of any person referred to in regulation 7 (2) (a) or (b)]. A "terrorist" has been defined as any person who commits, attempts to commit, participates in or facilitates the commission of any terrorist act (regulation 4(1)).

17 It must also be noted that regulation 6 provides that no person in Singapore and no citizen of Singapore outside Singapore shall —

(a) deal, directly or indirectly, in any property that is owned or controlled by or on behalf of any terrorist or any entity owned or controlled by any terrorist, including funds derived or generated from property owned or controlled, directly or indirectly, by any terrorist or any entity owned or controlled by any terrorist;

(b) enter into or facilitate, directly or indirectly, any financial transaction related to a dealing in property referred to in paragraph (a); or

(c) provide any financial services or any other related services in respect of any property referred to in paragraph (a), to or for the benefit of, or on the direction or order of, any terrorist or any entity owned or controlled by any terrorist.

18 MAS Circular FSG 48/2001, issued under section 27A of the MAS Act to implement UN Security Council Resolution 1373 (2001), also provides as follows:

(a) A financial institution shall not make available or cause to be made available, directly or indirectly, for the benefit of any designated person, any funds, other financial assets or economic resources except with the prior approval of the Authority and in accordance with such further conditions as may be imposed by the Authority, and

(b) A financial institution shall not in any way, directly or indirectly, extend credit facilities to any designated person, permit drawdowns on existing credit facilities granted to any designated person, or extend other financial or financial related services to any designated person except with the prior approval of the Authority and in accordance with such further conditions as may be imposed by the Authority.

Sub-paragraph 2 (a) - What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Sub-paragraph 2 (a) reads: "All States shall: Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;"

19 Section 5 of the Internal Security Act provides that if the members or adherents of any association of persons, whether incorporated or not, are organised or trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object, or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose, then any member or adherent of such association shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $2,000 or to imprisonment for a term not exceeding one year or to both; and any person who promotes or conspires with another to promote, or who takes part in the control or management of, the association, or in so organising or training as aforesaid any member or adherent thereof, shall be guilty of an offence under this Part and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 5 years or to both. The High Court may order any property held by such an association to be forfeited to the Government.

20 As stated in preceding sections of this Report, the United Nations (Anti-Terrorism Measures) Regulations 2001, makes it an offence to support terrorist groups through provision or collection of funds, dealing in property of terrorists and also provision of resources and services for the benefit of terrorists.

21 Singapore has very strict laws regulating the trafficking in arms. These laws will be strictly enforced to eliminate the supply of weapons to terrorists. Under the Arms and Explosives Act, the Minister for Home Affairs has the power to prohibit the export from Singapore of arms (e.g. firearms, air pistols), guns, explosives (e.g. gunpowder and dynamite) and any war material (section 4 of the Arms and Explosives Act). Section 6 of the Arms Offences Act provides that any person trafficking in arms shall be guilty of an offence and shall on conviction be punished with death or imprisonment for life and with caning with not less than 6 strokes. Any person proved to be in unlawful possession of more than 2 arms shall, until the contrary is proved, be presumed to be trafficking in arms. Section 2 of the Arms Offences Act provides that "trafficking in arms" means — (a) to import, manufacture or deal in arms in contravention of the provisions of the Arms and Explosives Act; or (b) to lend, give, sell, hire or offer for sale or hire any arm to a person who has no licence to possess such arm issued under the Arms and Explosives Act. The term "arms" covers firearms, air-guns, air-pistols, automatic guns and includes bombs and grenades.

Sub-paragraph 2(b) What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

Sub-paragraph 2 (b) reads: "All States shall: Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;"

22 Singapore is prepared to share information through intelligence agencies as an early warning mechanism to prevent and deter the commission of terrorist acts.

Sub-paragraph 2(c) What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.

Sub-paragraph 2(c) reads: "All States shall: Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;"

23 Singapore has in place several legal provisions that deny safe haven to terrorists. The Extradition Act provides for the extradition of fugitives for extraditable offences to Commonwealth countries, pursuant to the relevant Commonwealth schemes for rendition of fugitives, and to non-Commonwealth countries provided that there are extradition treaties with the countries concerned. Under section 5 of the Banishment Act, a banishment order can be made with respect to non- Singapore nationals if the banishment from Singapore would be conducive to the good of Singapore.

Sub-paragraph 2(d) What legislation or procedures exists to prevent terrorists action from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.

Sub-paragraph 2 (d) reads: "All States shall: Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;"

24 The financing of terrorism in Singapore is prohibited by the United Nations (Anti-Terrorism Measures) Regulations 2001. Any person in Singapore who breaches the provisions of the Regulations is guilty of an offence The Government will not hesitate to prosecute any person in Singapore who violates the Regulations. Moreover, a person who, in Singapore, abets the commission of an offence outside Singapore is guilty of abetment of the offence. For example, a person in Singapore who instigates someone to commit an act of terrorism (e.g. murder) outside Singapore can be prosecuted in Singapore for abetment of murder.

Sub-paragraph 2 (e) - What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Sub-paragraph 2 (e) reads: "All States shall: Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;"

25 The financing of terrorist acts is covered by the United Nations (Anti-Terrorism Measures) Regulations 2001 and is subject to the penalties in the UN Act, as detailed in preceding sections of this Report. The penalties provided for in the UN Act reflect the fact that the Government of Singapore regards these offences as serious ones.

26 There is, in the Penal Code, no offence per se of "committing a terrorist act". However, the planning, preparation or perpetration of terrorist acts would involve offences such as murder, causing hurt, hijacking, kidnapping etc, all of which are offences under Singapore law. (The abetment of such offences by aiding, instigation or conspiracy is also an offence under Singapore law.) Singapore law prescribes capital punishment for murder and kidnapping and severe penalties for serious offences (including caning for many violent offences). The Government of Singapore will not hesitate to invoke these statutory provisions to prosecute alleged terrorists as the Government regards the commission of terrorist acts as serious criminal offences.

Sub-paragraph 2(f) What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

Sub-paragraph 2(f) reads: "All States shall: Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;"

27 The Mutual Assistance in Criminal Matters Act (MACMA) was enacted in April 2000 to allow the Government of Singapore to provide mutual legal assistance to other countries, in relation to criminal investigations or criminal proceedings for offences covered by the Act. MACMA requires a bilateral mutual legal assistance treaty (MLAT) to be in force before assistance can be provided to a foreign country in certain areas e.g. production orders for bank records, arranging for a witness in Singapore to give evidence in a foreign country, the enforcement of foreign confiscation orders and requests for search/seizure. However, other forms of assistance e.g. the recording of evidence in Singapore for the purposes of criminal proceedings in a foreign country, the service of process in Singapore in connection with a criminal matter in a foreign country and the locating of persons in Singapore, may be done under MACMA without a MLAT being in force between Singapore and the foreign country.

28 In the case of co-operation, exchange of information can be done through existing intelligence channels. As a member of ASEAN, Singapore is also committed to co-operation amongst law enforcement agencies in the ASEAN countries through existing mechanisms, such as the ASEAN Ministerial Meeting on Transnational Crime, the ASEAN Senior Officials on Transnational Crime and the ASEAN Chiefs of National Police (ASEANAPOL).

Sub-paragraph 2(g) How do border controls in your country prevent the movement of terrorists? How do procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

Sub-paragraph 2 (g) reads: "All States shall: Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;"

29 Singapore has effective border controls to prevent the movement of terrorists or their supporters. Section 25 of the Immigration Act provides that every person arriving by air at any authorised airport shall appear before an immigration officer at such time and place as that officer may direct. Any person who refuses or neglects to appear before an immigration officer as required shall be guilty of an offence. Similarly, every person that arrives by train at any authorised train checkpoint in Singapore (section 25A) or by sea (section 24) or by land (section 26) shall appear before an immigration officer at such a time and place as that officer may direct. Anyone who contravenes these sections of the law will be guilty of an offence.

30 The Immigration Act also provides that any person who arrives in Singapore or who is about to leave Singapore shall truthfully answer all questions put to him by an immigration officer or police officer, tending, directly or indirectly, to establish his identity, nationality, or

occupation or bearing on any of the restrictions contained in the Immigration Act and disclose and produce to any such officer on demand all documents in his possession relating to those matters. Any person who refuses to answer any question, knowingly gives a false or misleading answer or knowingly produces a false or misleading document shall be guilty of an offence. Under the Immigration Act, it is an offence for a person to use or possess any forged, unlawfully altered or irregular entry or re-entry permit, pass or certificate or other travel document. It is also an offence under this Act to possess or to use any permit, pass or certificate or other travel document so issued on which any endorsement has been forged or unlawfully altered.

Sub-paragraph 3 (a) - What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

Sub-paragraph 3 (a) reads: "Calls upon all States to: Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;"

31 Exchange of information can be done through intelligence channels. Singapore is prepared to increase the levels of exchange of information through intelligence agencies.

Sub-paragraph 3 (b) - What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?

Sub-paragraph 3 (b) reads: "Calls upon all States to: Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;"

32 Our intelligence agencies have shared operational information with their foreign counterparts pertaining to the areas indicated in this sub-paragraph. Our intelligence agencies will continue to cooperate closely to exchange operational information with their foreign counterparts.

33 Singapore's Mutual Assistance in Criminal Matters Act (MACMA) allows mutual legal assistance to be provided to other countries, subject to the conditions set out in the Act. These conditions have been discussed in paragraph 27 of this Report.

Sub-paragraph 3 (c) - What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

Sub-paragraph 3 (c) reads: "Calls upon all States to: Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;"

34 Singapore has, since 11 September 2001, stepped up bilateral cooperation with other neighbouring and interested parties, particularly in the area information exchange.

35 As a member of the Financial Action Task Force (FATF), Singapore together with other FATF members have recently agreed to implement a set of Special Recommendations adopted at the recent FATF Special Plenary in October 2001 to combat and suppress the financing of terrorists. (Please see Annex E for the FATF Special Recommendations). Singapore has taken the necessary steps to implement the relevant FATF Special Recommendations to combat terrorism, including signing ***the International Convention for the Suppression of the Financing of Terrorism on 18 December 2001 with a view to ratification in the near future.***

36 Singapore has recently sought membership in the Egmont Group of Financial Intelligence Units. Our membership in the Egmont Group of Financial Intelligence Units will provide a channel for us to exchange financial intelligence to detect money laundering of funds which may be intended for, inter alia, financing terrorism.

37 At the multi-lateral and regional level, Singapore has been cooperating closely with other states in taking collective action against terrorists. As a member of ASEAN, Singapore is committed to the 2001 ASEAN Declaration on Joint Action to Counter Terrorism delivered at the 7th ASEAN Summit in Brunei in November 2001 (the ASEAN Declaration on Joint Action to Counter Terrorism is attached at Annex F). ASEAN countries including Singapore have agreed to consider joint practical counter-terrorism measures. Towards this end, ASEAN has established a regional framework for fighting transnational crime and the 2nd ASEAN Ministerial Meeting on Transnational Crime held in June 1999 adopted an ASEAN Plan of Action that outlines a cohesive regional strategy to prevent, control and neutralise transnational crime (the ASEAN Plan of Action to Combat Transnational Crime is attached at Annex G). Singapore is also supportive of the convening of the Special ASEAN Ministers Meeting on Transnational Crime which will focus on terrorism. The Ministerial Meeting is scheduled to be held in Malaysia in April 2002. ASEAN countries have also agreed to facilitate the flow of information on transnational crime including terrorism, their movement and funding and other information needed to protect lives, property and security on all modes of travel.

38 Singapore is also a member of Asia-Pacific Economic Cooperation (APEC), whose leaders have also pledged close cooperation in counter-terrorism measures, among other things, to enhance airport and port security, tighten financial regulations and develop an integrated customs communications network in the Asia-Pacific.

Sub-paragraph 3 (d) - What are your governments' intentions regarding the signing and/or ratifying the conventions, protocols and resolutions referred to in this sub-paragraph.

Sub-paragraph 3 (d) reads: "Calls upon all States to: Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;"

39 Singapore is a party to the following Conventions on terrorism:

- Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft.
- Hague Convention for the Suppression of Unlawful Seizure of Aircraft.
- Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.
- Montreal Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.

40 **Singapore signed the International Convention for the Suppression of the Financing of Terrorism on 18 December 2001 with a view to ratification in the near future.**

41 Singapore is currently in the midst of preparing and enacting legislation which would allow us to accede to the following two conventions:

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.
- Convention on the Marking of Plastic Explosives for the Purpose of Identification.

42 Singapore is also reviewing the other relevant international conventions and protocols relating to terrorism.

Sub-paragraph 3 (e) - Provide any relevant information on the implementation of the conventions.

Sub-paragraph 3 (e) reads: "Calls upon all States to: Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);"

43 In order to comply fully with the four Conventions on terrorism listed above in paragraph 39, which we are a party to, the following legislation has been put in place:

- The Tokyo Convention Act.
- The Hijacking of Aircraft and Protection of Aircraft and International Airports Act.

Sub-paragraph 3 (f) What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

Sub-paragraph 3 (f) reads: "Calls upon all States to: Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts;"

44 Singapore is one of the smallest and most densely populated countries in the world. Due to severe land constraints and the density of the population, Singapore is not in a position to receive or house refugees. As a policy, Singapore does not generally accept persons who claim to be refugees. Any terrorist posing as an asylum seeker will therefore not be able to seek refuge in Singapore. In addition, anyone that enters Singapore illegally will be regarded as an illegal immigrant and dealt with accordingly under our laws.

Sub-paragraph 3 (g) - What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

Sub-paragraph 3 (g) reads: "Calls upon all States to: Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;"

45 The abuse of refugee status is not a problem for Singapore because of our policy of generally not allowing refugees to enter Singapore (for reasons detailed in paragraph 44 of this Report).

46 The Extradition Act provides that a person is not liable to be surrendered to a foreign State or a Commonwealth country if the offence to which the requisition for his surrender relates is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character (sections 7 and 21 of the Act). This is a statutory provision which is commonly found in the extradition legislation of many countries.

47 The Government of Singapore does not regard acts of terrorism as offences of a "political character" and will not hesitate to invoke the Extradition Act to extradite an alleged terrorist, for offences that fall under the Extradition Act, to foreign States with which Singapore has extradition treaties or to Commonwealth countries, pursuant to the relevant Commonwealth schemes in relation to the extradition of fugitives. There has been no case where a court in Singapore has held that an offence committed for purposes of terrorism is an offence of a "political character".

List of Annexes to Report

1. United Nations Act 2001 – **Annex A**
2. United Nations (Anti-Terrorism Measures) Regulations 2001 – **Annex B**
3. Section 27A, Monetary Authority of Singapore Act – **Annex C**
4. MAS Circular FSG 48/2001 – **Annex D**
5. FATF Special Recommendations on Terrorist Financing – **Annex E**
6. 2001 ASEAN Declaration on Joint Action to Counter Terrorism - **Annex F**
7. ASEAN Plan of Action to Combat Transnational Crime – **Annex G**

United Nations S/2001/1235

Security Council

Distr.: General
24 December 2001
English
Original: French

Letter dated 20 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning the fight against terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Uruguay, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

01-71491 (E) 080102 090102

Annex

[Original: Spanish]

Letter dated 19 December 2001 from the Permanent Representative of Uruguay to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning the fight against terrorism

I have the honour to refer to your communication of 29 October 2001 concerning the reports to be submitted by Member States to the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001).

I am pleased to send you herewith a report on measures taken in Uruguay to prevent and suppress terrorist acts (see appendix).

(*Signed*) Felipe **Paolilla**
Ambassador
Permanent Representative of Uruguay to the United Nations

Eastern Republic of Uruguay

Office of the President of the Republic
Ministry of Defence — State Intelligence Office
Ministry of Foreign Affairs
Ministry of Education and Culture
Central Bank of Uruguay

Report on the implementation of paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

Montevideo, 12 December 2001

Paragraph 1
Subparagraph (a) — What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d)?

In order to enhance the prevention and monitoring of financial activities which may be linked to terrorism, the Central Bank of Uruguay, acting in its capacity as the governing body of the national financial system, has taken a number of specific steps since the events of 11/09/01:

(a) Search for information on accounts or funds belonging to organizations or persons linked to terrorism

In order to obtain primary information on whether or not there are any such funds in our country, the Financial Information and Analysis Unit of the Central Bank of Uruguay has initiated a variety of inquiries at the financial entities it oversees. To that end it has circulated several lists — provided by international organizations and the Government of the United States of America — containing the names and other personal data of persons and organizations alleged to have links with terrorist activities, and requested that the entities report if any of the persons on the said lists have maintained or continue to maintain accounts or funds of any kind with them.

The deadline for responding to the first three lists (containing about 100 names) has passed; the answers were all negative. The answers to the last of the lists circulated — which was received from the Federal Reserve and contained the names and other personal data of 81 persons — are expected to be received in the next few days.

(b) Permanent checklists

In order to enhance the effectiveness of the preventive mechanisms that are being implemented, the Central Bank of Uruguay has seen fit to issue instructions stating that the monitoring and checking by entities of the activities carried out by persons and organizations whose names appear on the checklists should be ongoing and continuously updated.

To that end, it has been decided that all institutions will be asked to take the necessary control measures so as to ensure that, in future, any transaction that is

directly or indirectly linked to any of the persons or organizations named on the lists can be promptly detected. In addition, it has been decided that whenever any such link is found to exist, the situation shall be reported immediately to the Financial Information and Analysis Unit.

(c) New regulatory provisions

Before considering this aspect it should be pointed out that as far back as 1991, the regulations issued by the Central Bank of Uruguay included rules designed to make sure that the financial system was not used to legitimize assets derived from criminal activities, including activities linked to terrorism. Likewise, since December 2000, all natural and juridical persons subject to its control have been required to report transactions suspected of being related to such criminal activities to the Financial Information and Analysis Unit.

Notwithstanding the foregoing, in order to place the issue in context and underscore the importance that the Central Bank of Uruguay attaches to the commitment that the persons and entities it oversees must demonstrate in the fight against terrorism, it has been deemed appropriate to issue a communication urging them "... to strengthen the policies and procedures designed to prevent and detect operations that may be linked to the legitimization of assets derived from criminal activities in order to give the utmost attention to the handling of funds and assets derived from or related to terrorism".

At the same time, in order to highlight the other control measures and actions being developed within the context of the strategy adopted by the Government, the Central Bank of Uruguay affirmed, in its communication, its determination to "... stimulate joint action by the Financial Information and Analysis Unit and appropriate government authorities, by authorizing mechanisms to coordinate actions in the matter and by encouraging the dissemination and exchange of information among all members of the national financial system in order to prevent its being used to legitimize assets derived from organizations or persons linked to terrorist activities".

The implementation of the above-mentioned measures has resulted in the ongoing participation of experts from the Financial Information and Analysis Unit in working groups set up to coordinate the work being done in the area of counter-terrorism activities by all the governmental agencies involved in the matter. With regard to the financial system, the above-mentioned checklists have been disseminated and there is an ongoing exchange with the performance officers of the institutions supervised.

(d) Other measures

Given the ease and speed with which funds can be transferred from one place to another, there is full awareness that in order to be successful in preventing and suppressing the financing of terrorist activities it is essential to move swiftly. In order to contribute to this aspect, the Central Bank of Uruguay has arranged for special administrative treatment of all matters related to operations alleged to be linked to terrorism, in order that they may be looked into as a matter of priority and dealt with urgently.

In addition, within the Training Centre in Prevention of Laundering of Assets, which is under the National Drug Board of the Office of the President of the Republic, a special commission made up of representatives of various public organizations and delegates from the entities representing financial institutions has been set up in order to analyse the incidence of terrorism in the financial system, coordinate actions on the matter and generate instruments so as to prevent and control this problem effectively.

Lastly, an overall analysis is being conducted of United Nations-sponsored international legislation against the financing of terrorism and that pending in the Organization of American States.

Subparagraph (b) — What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Financing of terrorism is not, as yet, a separate offence. Without ruling out the possibility of a reform to that effect, it must be said that such activity is not atypical but of a general criminal nature and therefore the ordinary rules of participation apply; thus anyone who finances terrorist activities will be considered either a mediate perpetrator (Penal Code, art. 60, No. 2) or, more often, a co-perpetrator (art. 61, Nos. 1, 3 and 4), depending on the offence that the principal committed. For example, if it is a case of homicide or deprivation of liberty (Penal Code, art. 281) or kidnapping (Penal Code, art. 386), they will be considered perpetrators or co-perpetrators (or even accomplices). The penalty for co-perpetrators is generally the same as for the perpetrator (Penal Code, art. 88), while the penalty for accomplices is generally lower because their participation is of a lesser degree. However, it can be the same as that for the perpetrator if great danger is involved, as in the case of terrorism (Penal Code, art. 89).

Laundering of assets derived from terrorism is characterized as an offence under the law (sole article of Act. No. 17,343 of 25 May 2001, amending article 81 of Act. No. 17,016 of 22 October 1998) and carries a penalty of up to 10 years in prison. Because of its specificity this offence supersedes the offence of concealment and the penalty is more severe.

Since terrorism in itself is not characterized as an offence, art. 47, No. 3, of the Penal Code, which provides that use of devastating means or massive forms of destruction in the commission of an offence is an aggravating circumstance, is always applied to offences of that nature. Aggravating circumstances permit the judge to impose the maximum penalty for each offence (Penal Code, art. 50).

Under Act No. 17,410 of 29 October 2001, Uruguay ratified the International Convention for the Suppression of Terrorist Bombings, which was signed in New York on 23 November 1998.

Subparagraph (c) — What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Under Uruguayan law, freezing of an account or asset requires a judicial order. Bank accounts and assets are governed by Decree-Law No. 15,322 and Acts Nos. 17,016 and 17,343.

Bank secrecy is enshrined in article 25 of Decree-Law No. 15,322; thus, operations and information falling into that area may be revealed only upon express written authorization of the person concerned or by reasoned order of a criminal court judge or of the competent judge in the case of a maintenance obligation.

Act No. 17,016 amended Decree-Law No. 14,294, which regulates narcotics-related matters; articles 54 to 57 thereof also apply to goods, products or instruments associated with offences defined under our legislation as associated with various unlawful activities, including terrorism. To summarize, our legislation provides for the possibility of freezing the accounts and other financial assets of individuals who commit or seek to commit acts of terrorism, or who participate in or facilitate such acts, upon the order of an Uruguayan or foreign judge in accordance with the treaties on cooperation in criminal matters to which Uruguay is a party.

Without prejudice to the preceding, the judge in a case may, at any time and without prior notice, issue an order of confiscation, seizure, provisional attachment or any other precautionary measure designed to ensure or preserve the availability of goods, products or instruments used in unlawful activity with a view to their potential confiscation or seizure.

In 1940, paragraph 3 of Act No. 9936 (Unlawful Association) established that "the Executive Power, through the Ministry of the Interior, shall dissolve unlawful associations by decree, depositing books, funds and any other property of such associations in the Judicial Property Depository or the Office of Public Credit, as appropriate, on the order of the civil court of first instance currently in session".

To give an example of this legislation, during the 1960s and 1970s Uruguay was faced with a subversive process during which the courts made use of these provisions to seize the property of individuals and unlawful organizations and to confiscate merchandise and other goods.

Subparagraph (d) — What measures exist to prohibit the activities listed in this subparagraph?

All the activities described above are criminal in nature; therefore, the measures taken to combat them are those of general crime prevention and punishment.

In particular, the regulations on confiscation of the proceeds of crimes and of the instruments of their execution (Penal Code, art. 105), apply. In the case of crimes involving the laundering of money or assets derived from terrorist acts, the special confiscation regulations contained in the Anti-drug Act (Act. No. 14,294 of 31 October 1974 and amendments thereto, art. 42).

It must be borne in mind that although we have not yet established financing of terrorist activities as a specific offence, all such activities are crimes punishable by law; we cannot be said to have a gap in our legislation. The situation is similar to that which prevailed before money-laundering was explicitly defined as an offence. Such activity was criminal (in the category of concealment or receiving) and carried corresponding penalties. Definition as a separate crime made possible specific measures, improved the legislation and provided for a more severe penalty.

At present, we can state that in Uruguay, all the activities referred to in the United Nations resolution are criminal under the law (albeit in general terms) and

carry penalties appropriate to their seriousness; this does not mean that we cannot establish financing of terrorist activities as a specific crime, as we did in the case of asset-laundering; this will be done in the near future.

Furthermore, Act No. 9936, which defines the term "unlawful associations", has been in force since 18 June 1940; pursuant to this Act, the authorities carry out the relevant checks.

Paragraph 2

Subparagraph (a) — What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Under articles 38 and 39 of the Constitution, unlawful associations do not enjoy constitutional protection.

Recruitment to terrorist groups and the supply of arms may be forms of criminal complicity, as we have seen. In any case, however, all such activities would doubtless fall within the specific definition of association with criminal intent (Penal Code, art. 150, amended by Act No. 16,707 of 12 June 1995), which carries a penalty of up to five and, in some cases, eight years' imprisonment; this is particularly important in cases involving the receiving or concealment of money or securities deriving from a terrorist act. This crime of association (which is a form of conspiracy crime) is aggravated and its penalty increased by up to half if the association took the form of an armed group or included more than 10 members, if the guilty person was the chief or instigator of such a group or if the group included any member of the police (Penal Code, art. 151).

In addition to the above-mentioned regulation, Act No. 9,936 of 18 June 1940, article 1 (1), defines unlawful associations as "those which disseminate ideas contrary to the democratic republican form of government adopted in article 72 (1) of the Constitution".

The supply of arms through legal trade is specifically regulated by Acts Nos. 10,415 of 13 February 1943 and 14,157 of 21 February 1974 and by Decree No. 652170, which regulates the bearing of arms.

The use and unlawful possession of arms is considered an offence against personal safety (General Penal Code, art. 365 (12)). In cases where arms are used in the commission of a crime, this is a specific aggravating circumstance and punished according to the crime committed.

With regard to the illicit arms trade, Acts Nos. 17,300 of 22 March 2001 and 17,343 of 25 May 2001 define illicit arms trafficking and the laundering of assets derived therefrom.

Act No. 17,300, art. 1 (2), defines illicit arms trafficking as "the import, export, acquisition, sale, delivery, supply or transfer of firearms, munitions, explosives or other related materials from or through the territory of one State Party to that of another State Party unless so authorized by one of the States Parties concerned".

Under Act No. 17,343, the laundering of assets derived from arms trafficking is punished in the manner established by Act No. 17,016 of 22 October 1998, articles 54 to 57.

Decree-Law No. 10,415 of 13 February 1943 establishes the procedure and criminal and administrative penalties relating to the possession of prohibited arms and munitions.

The competent authorities carry out the appropriate monitoring constantly.

Seminars are held at the international and national levels in order to increase international cooperation and to implement the resolutions adopted at the United Nations Conference on the Illicit Traffic in Small Arms and Light Weapons in All Its Aspects, held in New York from 9 to 17 July 2001.

Subparagraph (b) — What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?

At the same time as the attacks on the United States of America, a meeting of the State intelligence services of the Southern Common Market (MERCOSUR) countries, Chile and Spain was held in Buenos Aires from 10 to 12 September 2001; above and beyond the items contained in the agenda, priority was given to consideration of the issue of the attacks and of terrorism in general.

A Standing Forum of Directors of State Intelligence Services was established with the primary goal of promoting the timely exchange of information on this threat.

On 11 September 2001, measures were taken to tighten security around potential targets in Uruguay of countries involved in the conflict arising from the attacks committed in the United States of America.

The police and the Ministry of Defence are continuing their improvement efforts by, inter alia, strengthening the monitoring of borders and points of entry to Uruguay, such as ports and airports.

At a meeting between the Minister of Defence and the National Director of State Intelligence on 21 September 2001, the President of the Republic, Jorge Batlle, recommended that the Ministry of Defence and the State Intelligence Office should gather information on terrorism at the national and international levels with the support of police and other State bodies.

The President of the Republic also recommended that the Minister of Defence should coordinate action with his MERCOSUR colleagues with a view to the timely exchange of information and regional security measures to combat terrorism.

To that end, the Minister of Defence attended various meetings with his colleagues in the countries members of that regional organization.

The Ministry of the Interior has also held various meetings with police officials of the MERCOSUR countries, Bolivia and Chile, at which they coordinated various types of security measures to be taken against terrorism by the police in the region.

On another matter, it should be noted that faced with the appearance of the potential threat of biological or chemical terrorism, the State Intelligence Office, in accordance with an established programme of work, held a series of meetings with specialists and authorities of the Ministry of Public Health, the Postal Office, the Office of Nuclear Technology and the Army in order to assess the existing security situation and take measures in that regard.

There has also been ongoing coordination between the authorities of the Ministry of Foreign Affairs with a view to ongoing monitoring of the state of the conflict situation and potential changes therein.

Subparagraph (c) — What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

The Decree of 5 July 1956 incorporates the Convention regarding Diplomatic Officers, signed on 20 February 1928, in Havana, at the Sixth International American Conference; the Montevideo Treaty on Political Asylum of 4 August 1939; and the Convention on Territorial Asylum and the Convention on Diplomatic Asylum, both signed at Caracas on 28 March 1954.

Article 3 of that Decree lists the duties of refugees — they must refrain from joining or taking part in any way in associations which seek through any form of violence to affect or change the organization or composition of a foreign State or Government — and states that those who break that rule will be subject to criminal penalties, lose their refugee status and be expelled from the country.

Recent examples in Uruguay were the decisions to extradite Spanish citizens who were members of the terrorist organization ETA.

The extradition treaties to which Uruguay is a party, or which have been agreed upon and are at the ratification stage, constitute a real system to protect a set of values under which terrorist acts are not considered political crimes; in other words, these treaties provide for extradition for terrorist acts, and identify such acts as offences under ordinary criminal law regardless of the motives.

Particular examples of this are the extradition treaties negotiated by Uruguay, beginning with the treaty with Spain (Argentina, Chile, Mexico), and that with the MERCOSUR countries, Bolivia and Chile, without prejudice to earlier agreements, such as the treaty with the United States of America, specifically article 5 thereof.

These solutions are based on the concern of the international community, shared and supported by Uruguay, regarding the spread of transnational organized crime which adopts terrorist methods, among other forms of criminal behaviour.

The source of these treaties is found in the European Convention on the Suppression of Terrorism (Strasbourg, 1977), the preamble of which expresses the conviction that extradition is a particularly effective measure for ensuring that the perpetrators of acts of terrorism do not escape prosecution and punishment.

This preambular statement, which is considered axiomatic by today's international law on extradition, has particular significance: although the perpetrators of terrorist acts may have political goals — or be connected thereto —

the motives or crimes are not to be considered political for extradition purposes and extradition may not be refused on such grounds.

This viewpoint has led to a historic development in extradition law: article 5 of the European Union Convention on Extradition of 27 September 1996 provides that "For the purposes of applying this Convention, no offence may be regarded by the requested Member State as a political offence, as an offence connected with a political offence or an offence inspired by political motives." This Convention is essentially based on the philosophy of the European Convention on the Suppression of Terrorism, articles 1 and 2 of which set out the roots of the historical legal basis for many bilateral treaties, including those to which Uruguay is a party.

Our extradition treaties are inspired by those rules.

For example, article 5/1 of the MERCOSUR extradition treaty establishes the widely accepted principle whereby extradition shall not be granted for offences which the requested State considers to be political or connected to political offences. A list of activities which "under no circumstances" are to be considered political offences suggests the possibility of exceptions. They include the traditional Belgian clause, set out expressly in accordance with the interpretation previously given in legal doctrine, which includes "other national or local authorities or their family members", genocide, war crimes or crimes against humanity, as well as terrorist acts.

An Ibero-American conference on the right of asylum was held in October 1996 under the auspices of the Organization of American States. Among the conclusions is a list of activities which are excluded from the right of asylum and these activities are precisely those listed in the extradition treaties to which Uruguay is a party. That technical and political approach from the hemispheric viewpoint therefore coincides with the solutions provided for in positive law at the national level.

Subparagraph (d) — What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

The provisions of the Penal Code, Act 16,707 of 12 June 1995 and Act 17,343 of 25 May 2001 are applicable to activities committed by criminals acting from our territory against third States or against foreign citizens. The first issue raises a classic case in criminal law, the offence committed at a distance. The applicable rule according to the majority theory is that of ubiquity, such that both the country where the act is committed and that where it is consummated are both competent to judge the case. If the extradition is not in order, the rule is to punish such acts within our country provided that the offenders were detained within Uruguayan territory, without prejudice to cases coming under worldwide jurisdiction (cf. article 10, Penal Code).

As for terrorist activities on Uruguayan territory, Act 9936 of 1940 applies the term "illegal associations" to any of the aforementioned activities.

Subparagraph (e) — What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

See answers to the questions contained in paragraph 1 (b) and (d) and in paragraph 2 (a).

At the inter-American level, the General Assembly of the Organization of American States (OAS), in its resolution 4 of 30 June 1970, condemned acts of terrorism, especially the kidnapping of persons and extortion in connection with such kidnapping, describing them as serious common crimes. That resolution was taken into account in the OAS convention on terrorist acts, which was ratified by Uruguay in 1978.

In judicial decisions, terrorist acts have been defined as an unlawful activity which, unlike an ordinary offence, is initially motivated by political ends; the method (terror) corrupts, and denatures the offence transforming it into an offence under the ordinary law; since the activities involve murder or attempted murder and robbery with violence, they cannot be considered political offences.

These considerations are contained in cases No. 12,623 and 12,642, both of the Criminal Court of Appeals of the first Roster of March 1994.

In the area of the executive power, a technical commission has been set up in order to prepare a draft law defining terrorism and its financing as offences in their own right. The Government intends to introduce a draft law to that effect in the near future.

Subparagraph (f) — What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

Uruguay is a State party to various international treaties concerning mutual assistance in criminal matters whereby the parties have undertaken to provide legal assistance in response to requests from competent authorities in other States. Those treaties are applicable in the case of transnational offences such as terrorism.

Foremost among those treaties, because of its importance and practical application, is the Protocol of San Luis on mutual legal assistance in criminal matters, which was adopted by the Council of the Common Market by its decision 02/96 of 25 June 1996 and is in force in all the member States of MERCOSUR.

Uruguay adopted that Protocol by Act 17,145 of 9 August 1999 and deposited the instrument of ratification on 7 July 2000.

In the year and a bit since it entered into force in Uruguay, 250 requests for cooperation in criminal law have been received and are being or have been dealt with by the country's courts. Also of importance by virtue of their successful application are bilateral agreements such as the Treaty on Mutual Legal Assistance in Criminal Matters between the Government of Uruguay and the Government of the United States of America, approved in Uruguay by Act 16,431 of 30 November 1993; it has been in force since 15 December 1994.

Uruguay has entered into various bilateral treaties on mutual legal assistance in criminal matters with other countries including Canada, Colombia, Spain and Venezuela.

Requests for international legal assistance regarding criminal matters received from courts or other competent organs of the requesting State in accordance with its right to request such cooperation under a treaty which is in force, are received by the Central Office for International Legal Cooperation of Uruguay. Within 48 hours of their receipt the Office submits them with the appropriate reports to the magistrates of the criminal court for processing. If no treaty is in force, the request is received through diplomatic channels by the Ministry of Foreign Affairs.

Administrative channels also exist through the structure of Interpol (to which Uruguay acceded by the Decree of 13 October 1920), as has earlier been shown and illustrated.

The Financial Information and Analysis Unit has the authority to process, through the competent bodies and pursuant to national legislation, requests for international cooperation in the prevention and control of the laundering of assets derived from criminal activities.

The Government intends to move forward with the exchange of information and cooperation with foreign Governments. A request was made recently for the Unit to be admitted to the Egmont Group of Financial Intelligence Units as a full member (it currently has observer status). This will enable Uruguay to take part directly in the discussion and implementation of initiatives and recommendations which are being considered in the context of that body with a view to combating the financing of terrorist activities.

That activity is complemented by cooperation and exchanges of information through other regional groups of which Uruguay is a member: MERCOSUR (in which context a Memorandum of Understanding has been signed on the subject), and the South American Financial Action Group (GAFISUD), which began to function as of December 2000, and whose principles and structure are similar to those of the Financial Action Task Force on Money-laundering (FATF).

Subparagraph (g) — How do border controls in your country prevent the movement of terrorist groups? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery?

Border controls are handled by the National Migration Office, Interpol, other agencies of the Ministry of the Interior, the Coast Guard and the Customs Office, which has a presence at all points of entry to the country.

An early warning given by the national or foreign intelligence services and/or Interpol sets the parameters for an intensification of controls by the above-mentioned institutions.

There are formal and legal requirements to ensure the validity and security of the documents issued by the Civil Registry Office under the Ministry of Education and Culture and the Civil Identification Office under the Ministry of the Interior. For security purposes, the validity of the documents is time-limited, so that the information can be updated periodically and internal checks can be performed.

National passports are issued in accordance with the rules set by the International Civil Aviation Organization (ICAO), which include security measures.

Consideration is currently being given to introducing even more effective measures to prevent falsification of passports and identity cards.

Paragraph 3

Subparagraph (a) — What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

Contacts have been intensified between the various State intelligence services and the Ministries of the Interior of the member countries of the Southern Common Market (MERCOSUR).

Moreover, as instructed by the President of the Republic, Dr. Jorge Batlle, the Ministry of Defence and the State Intelligence Office have conducted a series of meetings with the Ministers of Defence of the MERCOSUR countries and Chile to arrange for collaboration among the armed forces information services of those countries. This is in addition to the regular exchange of information already ongoing with the State intelligence services of various countries throughout the world.

Customs and military controls have been stepped up to detect explosives in transit.

Plans have been made for the Telecommunications Administration (ANTEL) to set up controls to detect redirected phone calls through stations in Ciudad del Este, Paraguay, that divert phone calls received from abroad to the Middle East.

Significant work is being done under the Convention against terrorism concluded under the auspices of the Organization of American States (OAS) and through the Inter-American Committee against Terrorism, and national representation in that body has been increased for the express purpose of dealing with these issues.

Subparagraph (b) — What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Judicial cooperation is handled primarily through the diplomatic or consular channel by way of the central authority.

The functions of the central authority are carried out by the Advisory Service Central Authority for International Judicial Cooperation of the Ministry of Education and Culture. Article 4 of Decree 407/985 of 31 July 1985, as amended by article 4 of Decree 95/996 of 12 March 1996, provides that it is the function of the Advisory Service Central Authority for International Judicial Cooperation to:

(a) Respond, either directly or by referral, to questions received from competent foreign authorities concerning the domestic and international private law of the Republic and to requests from national public agencies concerning the content and applicability of the country's international private law or foreign law;

(b) Support, through its Office of International Judicial Cooperation and Justice, the secretariat of the National Board for the Prevention and Suppression of Illicit Trafficking in and Use of Drugs with regard to the rules deriving from

national and treaty law concerning international cooperation in criminal matters and extradition;

(c) Act as the receiving and sending agency for requests for legal assistance from or to foreign countries.

Subparagraph (c) — What steps have been taken to cooperate in the areas indicated in this subparagraph?

In accordance with bilateral, international and regional treaties, where there is no treaty, steps will be taken administratively through Interpol (see paragraph 2 (f)).

Uruguay's record of providing legal assistance to other countries in criminal matters has been satisfactory; the Uruguayan central authority has been complimented by the competent agencies of a number of countries, including the central authority of the United States of America, for the speed and efficiency with which assistance has been provided.

Subparagraph (d) — What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

Uruguay is a party to the following international instruments:

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973);
- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963);
- Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988);
- International Convention for the Suppression of Terrorist Bombings (New York, 1997).

The Ministry of Foreign Affairs has informed the General Assembly that ratification is being sought for the International Convention for the Suppression of the Financing of Terrorism, which Uruguay signed on 25 October 2001.

Under the auspices of OAS, Uruguay is a party to the following treaties:

- Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance (Washington, D.C., 1971);

- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (Washington, D.C., 1997);

- Inter-American Convention on Transparency in Conventional Weapons Acquisitions (Guatemala City, 1999).

Subparagraph (e) — Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

The Uruguayan legislation implementing the above conventions is extensive and establishes the regulatory framework for security at ports and airports.

More specifically, the following are some concrete measures taken following the attacks of 11 September 2001:

- With respect to airport security, the Executive has ordered air force personnel to ensure and monitor airport security. This is in addition to existing security measures that have been and will continue to be taken by the Ministry of the Interior through its various agencies.

- In that regard, military personnel will be responsible not only for increased security around the periphery of all the country's airports but also for searching individuals and hand luggage entering and exiting airport facilities.

- In general terms, airport security is governed by the rules issued by the International Civil Aviation Organization (ICAO). Incidentally, ICAO, of which Uruguay is a member, will be holding a high-level meeting in Quebec on 19 and 20 February 2002, at which new airport security rules will be drawn up.

- Similar port control measures have been adopted by the Coast Guard and the Navy.

- With respect to plastic explosives, Uruguay produces a small quantity for military and civilian purposes; production is centralized by the Materiel and Equipment Service of the Army under the Ministry of National Defence. That agency also controls all procedures involved in the importation, storage, transport and warehousing of explosives by civilian enterprises in accordance with the powers conferred upon it by extensive legislation developed over the course of several decades, which is being updated to accord with international norms, including those on the marking of plastic explosives.

- With respect to international legal instruments, in October 2001 Uruguay ratified the International Convention for the Suppression of Terrorist Bombings, and the International Convention for the Suppression of the Financing of Terrorism is currently before the Parliament.

Subparagraph (f) — What legislation, procedures and mechanisms are in place for ensuring that asylum-seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

Please see the information given under paragraph 2 (c).

In addition, an application for asylum is submitted to the Ministry of Foreign Affairs, which creates a file recording all the facts and statements of the applicant.

This information is immediately forwarded to the Ministry of the Interior, which conducts the appropriate investigations prior to any decision on the matter of asylum.

Subparagraph (g) — What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

Please see the information given under paragraph 2 (c).

Once asylum has been granted, the individual concerned must report to the national authorities periodically and inform them of any change of residence or other circumstances relating to his or her stay in the Republic.

An essential part of a grant of asylum is that the individual may not proselytize or engage in any type of political activity. If this condition is not respected, the grant of asylum may be withdrawn.